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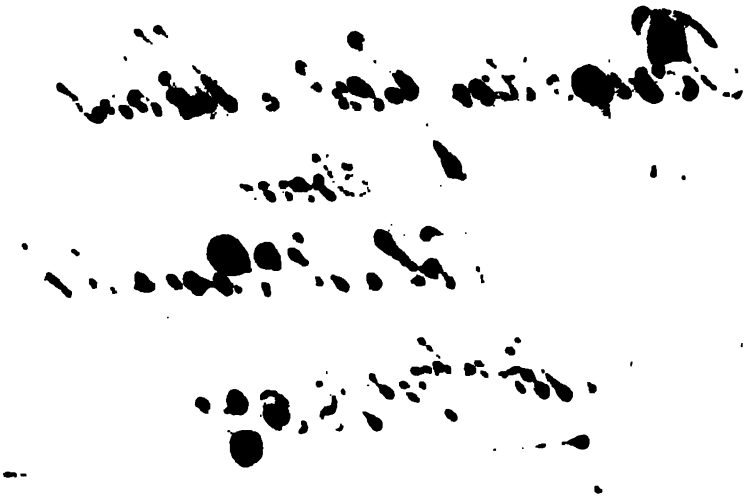

THE

MILITIA SYSTEM

OF

SOUTH-CAROLINA,

BEING

A Digest

OF THE

ACTS OF CONGRESS CONCERNING THE MILITIA,
LIKEWISE OF THE MILITIA LAWS OF THIS STATE,

WITH

AN APPENDIX,

Containing the Statutes at large relating to the Militia, from the 8th May, 1792, to the 17th December, 1834, inclusive; with the Judicial Decisions thereon.

ALSO,

The Patrol and Quarantine Laws,

THE

CONSTITUTION OF THIS STATE AND OF THE UNITED STATES.

Prepared and Published under the authority of the Act of the 19th December, 1833, entitled, "*An Act to provide for the Military organization of the State.*"

By BENJAMIN ELLIOTT,

AND

MARTIN STROBEL.

CHARLESTON:
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1835.

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TABLE OF CONTENTS.

		Page.
ST of the Militia Laws,	(Digest,)	1
BES of Acts relating to Ferriage and Tolls,		lxxv
ANTINE LAWS,		lxxvii
UTION of the Legislature, 20th Dec. 1823,		lxxxii
AND RATIONS of U. S. Army,		lxxxiii
NDIX, containing the Militia Laws of South Carolina, viz:		
OF CONGRESS,	(Appen.)	1
OF THE LEGISLATURE of South Carolina,		17
ST of 18th Dec. 1819, fixing Divisions and Brigades,		158
RAL ORDERS, 20th May, 1816,		161
and CLAUSES of ACTS incorporating the several Towns and Villages in this State,		164
ORM of the U. S. Army,		169
TITUTION of the U. States,		176
" AMENDMENTS,		186
ITITUTION of South-Carolina,		189
" AMENDMENTS,		198
'ARY DECISION,		203
		205

DIGEST

OF THE

MILITIA LAWS

NOW IN FORCE

IN THE

STATE OF SOUTH-CAROLINA.

AUTHORITIES.

ADJUTANT-GENERAL.

Appointment.

In each State an Adjutant-General shall be appointed. — Act of Congress, 8th May 1792. §6.

Duties.

He shall attend all public reviews when the Commander-in-chief of the State shall review the whole or any part of the Militia. Distribute all orders from the Governor to the several corps—obey all orders from the Governor for perfecting and executing the system of discipline prescribed by Congress. — See Appendix, page 4

Furnish blank forms of different returns that may be required, and explain the principles upon which the returns are to be made. — Ibid.

Receive from the several officers of the different corps, reports of the condition of the militia under their command, their delinquencies, the state of their arms, accoutrements, ammunition, and whatever may relate to the advancement of good order and discipline.

The officers of the militia are bound to furnish the Adjutant-General with returns prepared as he shall have prescribed.

From these returns he shall prepare clear and full abstracts, and communicate them annually to the Governor. — Ibid.

He shall also annually prepare and transmit to the President of the United States before the first Monday in January, a return of the Militia of the State, and the amount and condition of their arms, accoutrements and ammunition. These returns shall be made according to forms to be prescribed by the Secretary of War.

Act of Congress, 2d March 1803, §1. See Appendix, page 9.

He shall superintend the general instruction of the troops,—their arrangements for battle,—returns of the Militia, the military correspondence,—and when in the field, the general details of service of every description.

Governor's General Orders, May 20, 1816, *in execution of the* Act of 13th Dec. 1815. See Appendix, page 161.

He is attached to the suite of the Governor, and subject to no other orders,—and is entitled to obedience from all the officers of his own department.

page 162.

All the military, whether of the line or staff, are bound to execute every order signed by him "*By order of the Commander-in-Chief.*"

He shall attend all encampments of officers, and drill, train, exercise and instruct them in the various branches of military manœuvres and tactics.

Act of So. Ca. 19th Dec. 1836, § 29. See Ap. p. 140.

Election. Elected by the Legislature, and continues in office four years from the date of his commission.

19th Dec. 183[illegible] § 2. See Ap. p. 140.

Compensation. Entitled to receive annually fifteen hundred dollars.

Rank. The Adjutant General is both Adjutant and Inspector General, and ranks as a *Brigadier-General.*

Act of So. Ca. 13th Dec. 1815.

His Department. His department consists of himself and five Deputy-Adjutant-Generals, (one in each Division,) with the rank of *Colonel.*

See Appendix, page 91.

ADJUTANT-GENERAL—ASSISTANT.

Assistant.

Appointment. Rank. There are five Assistant-Adjutant-Generals, one to each Division, with the rank of *Colonel.* Each is appointed by the Major-General of the Division to which he is attached, but subject to the confirmation of the Governor.

Act of So. Ca. 19th Dec. 1836 § 2. page 140.

Duties. He shall perform towards his Division all the duties which are required of the Adjutant-General towards the whole of the Militia—prepare returns of the Division—distribute orders—superintend its instruction, &c. He is of the Major-General's suite and should execute all of his orders, not contravening those of the Commander-in-Chief, and with him attend all Brigade encampments.

Governor's General Orders, May 20, 1816, in execution of Act of 13th Dec. 1815 See Appendix, page 162. Act of So. Ca. 19th Dec. 1833. § 28. Appen. 146.

ADJUTANTS OF REGIMENTS.

Adjutants, Regimental. To Every Regiment there shall be an Adjutant, to rank as a Lieutenant.

Act of Congress, 8th May, 1792, §3. See Appendix, page 3.

Appointment. The Adjutant shall be appointed by the Colonel and be approved of by the Brigadier. Act of So. Ca. 10th May, 1794, § 7. Appen. p. 29.

Duties. Duties of the Adjutant not specified in the Acts either of Congress or the Legislature, but indicated by the nature of the office and established by military usage. The Adjutant is in fact *the aid* to the Colonel, and through him orders are issued and their execution enforced.

AIDS-DE-CAMP.

AIDS—*To the Governor.*

ids to Gove-or, number, nk, appoint-ent. The Governor may appoint ten Aids-de Camp with the rank of Lieutenant Colonel. He may also, if necessary, appoint one or two extra aids, but they shall possess no other rank or compensation than they were entitled to in the line. Act of So. Ca. 13th Dec. 1815, § 3. See Appendix, page 91. Act of So. Ca. 19th Dec. 1794, § 5. See Ap. p. 38.

They are attached to the Governor's suite, communicate his orders, assist in preparing and conducting his military correspondence, and other official business.

AIDS—*To Major-General.*

Aids to Major-General. number, rank, appointment. Each Major-General may appoint three aids, whose rank shall be that of Major. Act of So. Ca. 13th Dec. 1815, § 3. See App. p. 91.

One or two extra aids may also be appointed on any emergency, who, however, shall have no other rank or pay than what they are entitled to in the line. Act of So. Ca. 19th Dec. 1794, § 5. See Appendix, page 38.

Their duties are the same as those of the Governor's, but confined to the Division.

AIDS—*To Brigadier-General.*

Act of So. Ca. 13th Dec. 1815, § 3. Ap. p. 91.

Aids to Brigadier-General, number, rank, appointment. The Brigadier-General may appoint two aids to rank as Captains. He may also appoint one or two extra aids if necessary, but to have no rank and pay beyond what they may have in the line. Act of So. Ca. 19th Dec. 1794, § 5. See Appendix, page 38.

AIDS—*General duties of.*

Neither the Acts of Congress, nor the Legislature, specify the duties of Aids-de-Camp. They arise from the nature of their office, and depend on military usage.

ALARM.

Governor's duty in time of alarm.

Act of So. Ca. May 10th, 1794, § 25. See Appendix, page 29.

A arm to be published by the Governor on receiving information of an invasion or insurrection, by causing six guns to be fired, two at a time, at intervals of three minutes, to be carried on throughout the whole State—or by sending orders and expresses to the officers of the militia, to raise their respective commands, or such parts of them as he may deem necessary to be marched to such places as he may think fit.

Duty of Commissioned Officers.

Any Commissioned Officer, on the sight of an enemy, or on information of an enemy appearing, or mischief done by an enemy, may cause an alarm to be extended by firing guns as above, to be carried on by all persons hearing the same. Whereupon, such officer shall forthwith assemble his corps, and send expresses to the Governor, and the nearest Field Officer, with an account of the cause of the alarm.

Duty of Field Officers.

ibid. § 26. See Appendix, page 29.

The Field Officer to send expresses to the Brigadier and Major-General. The Field Officer to have power to assemble any number of the men of the Battalion or Regiment, and to march to the assistance of any of the inhabitants who may be in danger.

Power of Commissioned Officers.

ibid, § 28. See Appendix, page 30.

Every Commissioned Officer may assemble any number of men attached to their respective corps, to disperse, suppress, kill, destroy, apprehend, take or subdue any pirate, sea rover, Indian, or other enemy, who shall in a hostile manner hurt, or attempt to hurt, any of the inhabitants of this State, in their persons or possessions, or any company of slaves met together, or who shall be lurking in any suspected place, or who shall have run away from their owners.

ALIENS AND TRANSIENT PERSONS.

Aliens subject to patrol and militia duty.

Act of So. Ca. 10th May, 1794, § 24. See Appendix, page 28.

All free white aliens or transient persons, between the ages of eighteen and forty-five, who have resided six months in the State, are liable to such patrol and militia duty as may be required of them according to law, by the commanding officer of the beat in which they reside. But they cannot be compelled to perform any duty beyond the precincts of the Regiment to which they are attached.

Aliens from France are no longer excepted, as the treaty to which they owed their privilege has expired, and they are not included in the various classes

of exempts in the 46th Sec. of the Act of S. C. of 19th Dec. 1833. See Appendix, page 149.

APOTHECARY-GENERAL.

ıthecary-
ıeral.

The Governor appoints one Apothecary-General with the rank of Major.

ies.

He is (under the direction of the Physician and Surgeon-General,) to receive medicine and surgical instruments from the Commissary-General, and to distribute them as may be necessary. Governor's regulations under the Act of 20th May, 1816. See Appendix, page 163.

To obey the orders of the Physician and Surgeon-General.

APPEAL.

All disputes relating to the liability of persons to bear arms shall be determined by the Commanding Officer of the company, with the right of appeal to the Commanding Officer of the Regiment by any one who may think himself aggrieved by any such determination. Act of So. Ca. 10th May, 1794, §. 10. See Appendix, page 21.

Every non-commissioned officer or private, conceiving himself aggrieved by the sentence of a Court Martial, may appeal from the same within fifteen days after notification of being fined, to the field officers of the Regiment, the decision of a majority of whom is decisive. (Prohibitions may be granted against the illegal proceedings of a Court Martial.) Act of So. Ca. 19th Dec. 1809, § 5. See Appendix, page 69.

r appeals
o be made.

No appeal will be considered, unless the appellant accompanies his appeal by an affidavit that he could not attend the Court Martial that fined him, and that he does not appeal for the purpose of delay. Act of So. Ca. 16th Dec. 1815, § 3. See Appendix, page 86.

For appeals in cases of contested elections of Field Officers—(see ELECTIONS.)

APPRENTICES.

ject to mi-
duty.

All White Apprentices, or men servants, shall be furnished by those under whose control they are, with proper arms and accoutrements, and shall be required by them to attend all musters and trainings. For all pecuniary penalties for neglect of duty, the master or the employer shall be liable. But the master shall be entitled to two weeks additional service for every fine which he shall have paid for his apprentice or servant's neglect of, or misconduct at musters and military exercises; and should he injure, destroy, or make away with the arms and accoutrements, he shall make full satisfaction to his master. Act of So. Ca. 10th May, 1794, §. 15th. See Appendix, page 23.

ter liable
lefalcation
pprentice.

The master is responsible to the State that his apprentice, or white male servant, shall be always prepared for military service, and that he punctually perform this duty. Act of So. Ca. 10th May 1794, § 14 See Appendix, page 23.

ARMS AND ACCOUTREMENTS.

Every militia man to arm and equip himself.

Every citizen duly enrolled in the militia, is required *to arm and equip himself.* Act of Congress May 8th, 1792, §. 1. See Appendix, page 2.

If belonging to the Infantry, he shall procure at his own expense, (unless an apprentice or servant,) a good musket or firelock, with bayonet or belt—two spare flints—a knapsack—a pouch or cartouch box, to contain not less than twenty-four cartridges, with a proper quantity of powder, and ball to suit the bore of his firelock. The bore of the musket should be eighteen balls to the pound—or he may supply himself with a good rifle, knapsack, shot pouch, powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder.

Rifleman.

He must appear thus equipped when summoned for duty, except on days of mere exercise, when the knapsack may be omitted.

Officers.

The Commissioned Officers shall be armed with a sword or hanger, and an espontoon. Ibid, §. 4. See Appendix, page 3.

Artillery.

The Officers of Artillery shall supply themselves with a sword or hanger, a fusee, bayonet and belt, and cartridge box with twelve cartridges.

Cavalry.

Each Officer of Cavalry is required to furnish himself with a good horse, at least fourteen and a half hands high, with a sword and pair of pistols, the holsters of which must be covered with bearskin caps. ibid.

Each Dragoon is required to furnish himself with a serviceable horse, at least fourteen and a half hands high, a good saddle, bridle, mail-pillion and valise, holsters and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box to contain twelve cartridges. Ibid.

The arms, horses and accoutrements of the militia are exempt from executions for debts or taxes. Ibid §. 1. Ap. p. 2.

Apprentice and Servants.

All white apprentices, or white servants, are to be armed and equipped by their masters and employers, who are liable if their apprentices or servants are not suitably provided. Act of So. Ca. May 10th, 1794. See Appendix, page 23.

Fines.

Every militia man not appearing armed and equipped according to law, to forfeit a sum not exceeding five shillings, or the sum of 2s. 4d. for each article deficient. Act of So. Ca. May 10th, 1794, § 15. See Appendix, page 26.

Instead of the fines heretofore imposed for not providing arms as above, it is provided by the 43d Section of the Act of 19th Dec. 1833, that any non-commissioned officer or private, who shall appear without a good gun at a muster, shall be fined one dollar, unless he declare upon oath that he is unable to purchase one. This provision is supposed to apply only to the Beat Companies.

Act of So. Ca. 19th Dec. 1833, § 43. See Appendix, page 149.

Supply of arms from the U. States.

By an act of Congress, passed in 1808, the sum of two hundred thousand dollars is annually appropriated to provide arms for the whole militia of the Union. These are distributed among the States in the proportion of their effective militia, and are to be distributed by each State under such regulations as its Legislature shall deem most expedient.

Act of Congress. April 23d, 1808, §1. See Appendix, page 10. Act of Congress, April 29th, 1816, §1. See Appendix, page 12.

This annual appropriation of $200,000 is to be diverted to no other purpose, nor transferred to any other branch of expenditure.

Supply of arms by the State, $2,500 annually.

The Legislature of South Carolina have made an annual appropriation of two thousand five hundred dollars, to be expended by the Governor for arms of all descriptions. These, with the supply from Congress, are *to be distributed* among the militia from time to time, on such terms and conditions, and in such quantity as the Executive shall prescribe.

Act of So. Ca. 19th Dec. 1833, § 7. See Appendix. page 153½.

Arsenals always to have 10,000 muskets, &c.

It is also required that there shall always be in the arsenals ten thousand muskets and rifles, four thousand pistols, and two thousand swords, with adequate munitions and accoutrements. These arms are to be in the best order, and always ready for immediate use, and *not liable to distribution*, except in cases of emergency.

Act of So. Ca. 19th Dec. 1833 § 1. See Appendix, page 153.

Appropriation $50,000.

To effect this purpose, fifty thousand dollars have been appropriated, which are to be expended from time to time, at the discretion of the executive, in amounts not to exceed $10,000 annually, unless in his opinion a larger annual expenditure should become necessary to the safety of the State.

§ 2, ibid.

ARSENALS AND MAGAZINES.

Two Arsenals and Magazines, one in Columbia.

There are now but two Arsenals and Magazines in South-Carolina, one located at Charleston, and the other in Columbia. The Executive has been authorized to have a suitable Arsenal prepared in the upper part of the old Jail at Columbia, and a Magazine to be built in or near the said town. Three thousand dollars were appropriated for these objects, and two thousand for all arrangements that may be

Act of So. Ca. Dec. 19th, 1838 § 3. See Appendix, page 153.

necessary for their security. The Arsenal Keeper, who is also Powder Receiver, is appointed by the Governor, and receives a salary of four hundred dollars, and gives bond in $10,000.

Keeper's Salary.

Act of So Ca. 20th Dec. 1832. § 4. See Appendix, page 136.

Charleston.

The Arsenal of Charleston is in the Citadel, and the Captain of the Citadel and Magazine Guard is also Powder Receiver. The Arsenal keeper is appointed by the Governor, receives a salary of seven hundred dollars, and gives bond for good conduct in ten thousand dollars.

Powder Receiver.

Salary.

Act of So. Ca. 19th Dec. 1833. § 5.

In the two Arsenals together there are to be always kept on hand, fit for immediate service, at least ten thousand muskets and rifles—two thousand swords, and four thousand pistols, with an adequate quantity of accoutrements and other munitions of war. Fifty thousand dollars appropriated for the above purpose.

Arms ready for service.

Appropriation.

See Ap. p. 15[illegible] Act of S[illegible] 19th Dec. § 1. See Appe[illegible] p. 153.

The Governor has authority to cause the arms and military stores to be temporarily removed to any place of safe deposit.

Governor authorized to remove Military Stores.

Act of So. 24th Sep. § 17.

He may provide Guards for the Arsenals—appoint and remove Arsenal Keepers, take bonds of them, and is required to examine the Arsenals, or cause them to be frequently examined.

§ 18. See App[illegible] page 77.

He is also to specify what proportion of the public arms and ammunition is to be deposited in the Arsenal and Magazine in Columbia, and what in those of Charleston.

Deposit of Arms.

Act of So. Ca. 19th Dec. 1833. § 3. See Appendix, page 153.

The Brigade-Quarter-Masters within the limits of whose Brigade Arsenals are or shall hereafter be established, are required to visit and inspect the same at least once in every year, and report to the Quarter-Master-General thereon.

Brigade-Quarter Master to report.

Act of So. Ca. 16th Dec. 1815. § 15. See Appendix, page 90.

Arsenal and Magazine in Charleston to be protected by a Citadel and Magazine Guard, which Guard, including workmen, artificers and labourers not to exceed sixty—in addition to their other duties, they are to take charge of the Citadel in Charleston for its protection and that of the arms of the State, under such regulations as the Governor may prescribe. They are exclusively under his orders, and he has the power to appoint and remove Officers, and make such rules for their government as he may think proper, not inconsistent with law. They are liable to perform under his orders all the duties of Militiamen or Volunteers. The Officers and Privates are liable to be tried by Courts Martial composed of Officers of the Guard or Militia, and subject to the same penalties and regulations as the Militia are when

Act of So. Ca. 20th Dec. 1832. § 1. See Appendix, page 13.

called into actual service under like circumstances. They consist of a Captain, who is also Powder Receiver, and a first and second Lieutenant. The compensation of this Guard is fixed by the Governor, but the pay of the Officers not to exceed that of the United States' Officers of like grades. Act of So. Ca. 20th Dec 1832. § 4. See Ap. p. 136.

Appropriation. An appropriation is made to enable the Governor to make arrangements for the security and protection of the Arsenal and Magazine in Columbia. (For this purpose a Guard has been established there jointly with the Town Council of that place.) Act of So. Ca. 19th Dec. 1833. § 6. See Appendix, page 153.

ARTILLERY.

One Company to each Division at least. There shall be at least one Company of Artillery to each Division. Not to exceed one Company to a Regiment nor more in number than one-eleventh part of the Infantry; to be uniformed at their own expense, the uniform to be determined on by their Brigadier. Captains of Artillery shall be attached to the Infantry Battalions in which they reside, and shall rise in the same with other Officers. Members of the Artillery throughout the State, subject to the same laws, rules and orders as the Infantry. Act of Congress, 8th May, 1792, § 4. See Ap. p. 3. Uniform. Act of So. Ca. 16th Dec 1797. § 10. See Ap. p. 46. § 12 See Ap. p. 47.

Officers. Officers of a Company of Artillery to consist of one Captain, one first, one second and one third Lieutenant. Act of So Ca. 19th Dec. 1833. § 1. See Ap. p. 105.

Number of men. Officers commanding Brigades to permit Companies of Artillery to be raised to consist of thirty effective men in complete uniform, if reduced below twenty-four men in uniform and not recruited within six months, after notice given, to be dissolved, provided that no Beat Company shall be reduced below forty men by the formation of any Volunteer Company—and provided also, that no greater portion of Artillery shall be raised than is authorized by law. Act of So. Ca. 16th Dec. 1815. § 10. Beat Companies not to be reduced. See Ap. p. 88.

One Company of Artillery and no more may be attached to each Regiment. Act of So. Ca. 19th Dec. 1833. § 13.

Allowance. Each Company of Artillery to be furnished with powder and ball for the usual parades from the State Magazines, and to be allowed annually fifty dollars for their expenses. See Ap. p. 144. Act of So. Ca. 19th Dec. 1833. § 54. See Ap. p 152.

Artillery, Charleston—(See Charleston.)
See also Collection and Collector of Fines.
Artillery, Beaufort—See Beaufort Artillery.)

BEATS.

Beats. There shall be four Beat Companies in each Battalion as nearly equal as may be, and two Battal- Act of So. Ca. 19th Dec. 1833. § 4 and 13. See Ap. pp. 140 and

ions in each Regiment, and to each Regiment there may be attached four Light Companies (Volunteers) and one Company of Artillery, and no more. Provided, that not more than two Volunteer Companies of Riflemen or Infantry shall be raised in each Battalion. Act of So. Ca. 17th Dec. 1834, § 6, p. 154½.

Division of Beats to be recorded in Register of Mense Conveyance Office. Act of So. Ca. 19th Dec. 1833. § 5, page 141.

Beat Companies to elect their own Officers.—(See ELECTIONS.) Ibid.

When Beat Companies refuse or neglect to elect an Officer to fill any vacancies for two months, or where the person elected shall refuse to accept within thirty days, the Commanding Officer of the Regiment shall appoint and commission a proper person to fill such office for twelve months, unless such office be sooner filled by election and the acceptance of the Officer so elected. Act of So. Ca. 19th Dec. 183[illegible] § 9. See Appendix, page 142.

Residence.

Officers of Beats must reside within their respective Beats, and on removal their commissions vacated, except in Charleston, where a residence within the city is sufficient. Except also in Georgetown, where a residence in the Battalion is sufficient. Act of So. Ca. 10th May, 1794. § 7. See Appendix, page 20. Act of So. Ca. 16th Dec. 1797. § 14. See Appendix, page 47.

In all cases where the dividing line between Regiments shall pass through any town or village, it is lawful for any person holding a commission in either Regiment to reside any where within the limits of such town or village without a forfeiture of his commission. Act of So. Ca. 17th Dec. 1831. See Appendix, page 131.

Removal from Beat.

Every Militiaman removing from his Beat, shall within thirty days after his removal, notify the Commanding Officer of his former Beat thereof, and shall also within the same time report himself to the Captain of the Beat into which he has removed. For neglect of these duties he shall be liable to the penalty of five dollars, and the fine for default of duty in his former Beat. Act of So. Ca. 19th Dec. 1833. § 44. See Appendix, page 149.

Census.

The Captain of every Beat is bound frequently to take a census of his command, and is empowered to call upon every man in his Beat and ascertain whether he is liable to militia duty under him. Every one who shall refuse to give the necessary information shall be liable to a fine of ten dollars, which any Justice may levy, and shall pay overto the Paymaster of the Regiment. Act of So. Ca. 20th Dec. 1800. § 8. See Appendix, page 53.

Boundaries of Battalions and Regiments.

Should the boundaries between any two or more of the Beats, Battalions or Regiments be represented to the Brigadier to be grossly unequal or manifestly inconvenient, it shall be his duty to order a Board of Act of So. Ca. 20th Dec. 1832. § 1. See Ap. p. 136.

Commissioners, consisting of not less than five persons from each of the Beats, Battalions or Regiments liable to be affected by their decision, whose duty it shall be to confirm the existing boundaries, or make such boundaries as they may think proper, which decision, if approved of by the Brigadier-General, and issued in Brigade Orders, shall be the future boundaries of such Beasts.

Beat Companies are allowed to be raised on James Island, Wadmalaw and Johns' Island together; on Edisto Island, Port Royal and Lady's Island together; on St. Helena Island, Hilton Head and Dawfusky Island together, without regard to numerical force, to be attached to their respective Regiments. Act of So. Ca. 17th Dec. 1834. § 8. See Appendix, page 155.

BEAUFORT ARTILLERY.

Exempt from attending Regimental Reviews, on condition that they shall assemble in addition to the days that they are now required by law to parade— at the muster ground of the Company whenever the Regiment is ordered out, for the purpose of drill and exercise. Said Company at no time to exceed sixty-four rank and file. Act of So. Ca. 17th Dec. 1824. § 2. See Appendix, page 118.

BRIGADE-INSPECTOR.

Act of So. Ca. 10th May, 1794, § 7. See Ap. p. 20. Act of So. Ca. 13th Dec. 1815, § 1. See Ap. p. 91.

Appointment. To each Brigade there is an Inspector appointed by the Brigadier-General, the appointment to be confirmed by the Major-General. He is entitled to the rank of Major, and is one of the Brigade staff. He is also Brigade-Major.

Duties. He shall attend the Regimental and Battalion musters in his Brigade, inspect the arms and equipment of men and officers, instruct them in the prescribed discipline, and report once at least every year to the Adjutant-General. In this report he shall specify the number and condition of the arms, the state of discipline, and suggest improvements, &c. Act of Congress, 8th May, 1792, § 3 See Appendix page 3, § 10. See Ap. p. 5.

Horses of Cavalry when called into service, are to be appraised by the Brigade-Inspector, and two freeholders. Act of So. Ca. 16th Dec. 1797, § 5. See Ap. p. 45.

Brigade Majors. *Brigade Majors* are subject to the Governor's General Regulations, under the act of 13th Dec. 1815. The appropriate duties of the Brigade-Majors are to the Brigade what those of the Adjutant are to the Regiment, and are sufficiently established by usage. He is attached to the suite of the Briga- Act of So. Ca. 13th Dec. 1815. General Orders, 20th May, 1816. See Ap. p 162.

Duties.

dier-General commanding the Brigade to which he has been appointed, and will obey his orders.

BRIGADIER-GENERAL.

Two Brigades constitute a Division, and each Brigade is under the command of a Brigadier-General. — Act of Congress, 8th May, 1792, § 3, page 3.

pintment. He is elected by the Commissioned Officers of the Brigade, all of whom have the right of voting. — Act of So. Ca. 19th Dec. 1833, § 7.

ification. No one is eligible, unless for the twelve months immediately preceding the election he has held a commission of, or above the rank of Captain. This provision is, however, inapplicable to all officers elected under the Act of December, 1833, until the 12th April, 1835, so far as relates to holding a commission for 12 months preceding. — See Appendix, page 141. Ibid, § 8.

He has the power of appointing two aids who rank as Captains, and if necessary, one or two extra aids, who will, however, merely retain their rank in line. — Act of So. Ca. 13th Dec. 1815, § 3. See Ap. p. 91. Act of So. Ca. 19th Dec. 1794, See Ap. p. 38.

ade Staff He is also empowered to appoint all officers of the Brigade Staff, but their appointment must be confirmed by the Major-General. He commissions his Staff, and all the Field Officers of his Brigade, and is himself commissioned by his Major-General. — Act of So Ca. 10th May, 1794, § 7. See Ap. p. 20. Act of So. Ca. 19th Dec. 1833, § 55. See Ap. p. 153.

He shall order, and with his Staff Officers attend, a muster and review of each of his Regiments, at least once in every year. — Act of So. Ca. 19th Dec. 1833, § 23. See Ap. p. 145.

ade Ex- ment. He shall under the direction of the Commander-in-Chief, once in two years assemble the Commissioned Officers of his Brigade at some convenient place within the said Brigade, to be encamped for five days, and instructed and exercised in the various schools of the soldier, Company and Battalion, the manœuvres of the line, and the routine of the duties and discipline of the camp, each officer to be in full uniform, and fully equipped, besides his arms, with a musket, bayonet, cartouch box, twenty-four rounds of blank cartridge, and a knapsack, and each Brigade shall be furnished by the State with the requisite number of good tents. — Act of So. Ca. 19th Dec. 1833, § 27. See Ap. p. 146.

duty in ion to. Whenever a Brigadier-General shall have issued orders for a Brigade encampment, he shall notify the Major-General of the time and place at which — Ibid, § 28. See Ap. p. 146.

the Officers of his Brigade will be encamped; and it shall be the duty of the said Major-General with his Staff to attend such encampment.

CAVALRY.

r of
There shall be at least one troop of horse in each Division, but not more than one to each Regiment, nor in number shall the troop exceed one eleventh part of the Infantry. Act of Congress, 8th May, 1792. § 4. See Appendix, page 8.

m.
The Commissioned Officers are required to furnish themselves each with a sword, a pair of pistols, the holsters of which must be covered with bearskin caps, and to procure a good horse fourteen and a half hands high at least, and such uniform as may be prescribed. Ibid.

Each Dragoon is to furnish himself with a horse at least fourteen and a half hands high, a saddle, bridle, mail pillion and valise, holsters, breast plate and crupper, boots and spurs, a pair of pistols, a sword, a cartouch box for twelve rounds, and such uniform as may be prescribed. Ibid.

s.
The Cavalry shall be arranged into squadrons and Regiments, one Regiment to be raised in each Brigade. Act of So. Ca. 16th Dec. 1797, § 1. See Appendix, page 44.

Each Regiment to consist of not less than four, nor more than six troops, and no troop to have more than sixty-four privates. Ibid.

er.
Each squadron shall be commanded by a Field Officer, and each Regiment by a Colonel. Ibid, § 3.

re.
To each troop there may be twelve rifle carbineers, should the Commanding Officer of the squadron, with the sanction of the Colonel so direct. The officers shall rank in the same manner, and the Cavalry be subject to the same general rules as the rest of the militia. Act of So. Ca. 20th Dec. 1800, § 9. See Ap. p. 54. Act of So. Ca. 16th Dec. 1797, § 12. See Ap. p. 47.

To each troop there shall be a Captain, two Lieutenants, a Cornet, four Sergeants, as many Corporals, a Trumpeter, a Saddler, a Farrier, and not more than sixty-four Dragoons. Act of Congress, 8th May, 1792, § 4. See Ap. p. 3. Act of So. Ca. 16th Dec. 1797. § 4.

nteers.
All Volunteers for the Cavalry shall be confined to their respective Brigades, unless otherwise directed by the Governor. See Ap. p. 44.

they may ised.
Officers commanding Brigades, may permit Volunteer Companies of Cavalry to be raised within their Brigades, to consist of thirty effective men in complete uniform. Act of So. Ca. 16th Dec. 1815, § 10. See Ap. p. 82.

n dis- d.
If such Company should be reduced below twenty-four men in uniform, and should not be recruited in six months after notice from the Commanding *Officer of the Brigade* or Regiment, to be dismissed. Ibid.

Indemnity.

Whenever any portion of Cavalry is called into actual service, the Brigade Inspector shall appoint two freeholders of the same Parish or District, where each Dragoon resides, and the three, the Inspector and two freeholders, shall upon oath value his horse. This appraisement will be preserved in a book by the Inspector, and the Cavalry shall be indemnified for the loss of horses or any other property, according to the rules established by Congress, for indemnifying the militia in the service of the United States.

Act of So. Ca. 16th Dec. 1797, § 5. See Appendix, page 45.

Parades.

Each troop shall be summoned by its Captain to meet, and shall be instructed in discipline at least six times every year..

Act of So. Ca. 19th Dec. 1833, § 19. See Ap. p 145.

Tactics.

The Governor shall cause a system of Cavalry tactics to be prepared and distributed for the use of the Cavalry.

Act of So. Ca, 19th Dec. 1833. § 26. See Ap. p. 146.

Officers to attend for drill and Encampment.

Their Officers shall attend the meetings of Officers, which precedes each review on the day preceding, to be prepared in the manœuvres which will be required at the review. They must also attend the encampments of the Brigade fully equipped.

Act of So. Ca. 16th Dec. 1815, § 8. See Ap. p. 88. Act of So. Ca. 19th Dec. 1833, § 27. See Ap. p. 146.

At each regimental review, twenty pounds of powder will be issued to the Regiment of Cavalry,—ten pounds to a Squadron.

Act of So. Ca. 19th Dec. 1833, § 54. See Ap. p. 152.

CENSUS.

Captains authority.

Officers commanding companies may take a census of their respective Beats when necessary.

Act of So. Ca. 20th Dec. 1800, § 8. See Ap. p. 53.

Penalty.

He is authorized to call at every residence within the precincts of his command, and ascertain who are subject to duty under him, who belong to any Volunteer Corps, and who are, as well as why, exempt: should any so called on refuse the required information, he is liable to the penalty of ten dollars, which is to be levied by any Justice of the peace, and paid over to the paymaster of his regiment.

ibid.

Every militia man who removes from a Beat, should within thirty days thereafter, notify his former Captain, as well as his new commander, of his removal, he is otherwise liable for a fine of five dollars, and for neglect of duty in his former Beat.

Act of So. Ca. 19th Dec. 1833, § 44. See Ap. p. 149.

CHARLESTON.

Military organization of St Philip and St. Michael.

A separate organization has been adopted for the militia of the Parishes of St. Philip and St. Michael, embracing the city of Charleston and Neck. It consists of two Regiments of Infantry, each Regiment of two Battalions, and five Companies to each Battalion, amounting together to twenty Companies of Infantry, comprising Beats and Volunteer Corps. These constitute the sixteenth and seventeenth Regiments. Act of So. Ca. 19th Dec. 1833, § 52. See Ap. p. 151.

Cavalry.

One squadron of Cavalry to consist of not less than two, nor more than three companies, each having not less than thirty Dragoons, with the usual Commissioned and Non-Commissioned Officers. Act of So. Ca. 16th Dec. 1815, § 10. See Ap. p, 88.

Artillery.

One Regiment of Artillery to consist of six Companies, each Company to consist of not less than thirty effective rank and file, with the usual compliment of Commissioned and Non-Commissioned Officers. Ibid. Act of So. Ca. 19th Dec. 1833, § 52. See Ap. p. 151.

No. of Officers

The Officers of Artillery Corps same as in the Army of the United States, viz: one Captain, one first, one second, and one third Lieutenant. Act of So. Ca. 19th Dec. 1820. § 1. See Ap. p. 105. Act of So. Ca. 19th Dec. 1833, § 18. See Ap. p. 145.

Volunteer Corps.

No Volunteer Corps in Charleston to exceed sixty-four privates, nor shall any Beat be reduced below forty men by the formation of any Volunteer Company. Act of So. Ca. 19th Dec. 1833, § 53. See Ap. p. 152.

Collector of fines.

The Sheriff of the District is the Collector of the fines, and by him they shall be paid over, if inflicted by a *Regimental Court Martial*, to the paymaster of that Regiment, and by him to be disbursed as the Field Officers of the Regiment shall order. If by *a Brigade Court Martial*, to the Brigade paymaster, and by him to be appropriated as the Brigadier-General shall direct. Act of So. Ca. 19th Dec. 1833, § 32, 34, 35. See Ap. p. 147.

If by a Court Martial ordered by the Major-General, to the paymaster of the Division, who will appropriate the same as the Major-General shall direct. Ibid, § 35.

Fire Guard.

The Brigadier-General of Charleston shall divide the militia of the two Parishes into Fire Guards, each to be ready for duty in succession for three months. Act of So. Ca. 18th Dec. 1829. § 1. See Ap. p. 122.

All Courts Martial on the Officers, Non-Commissioned Officers and Privates of the Fire Guard, to be held by the same Court, and in the same manner, as in cases of default in ordinary militia duty. Act of So. Ca. 17th Dec. 1834, § 21. See Ap. p. 127

Parades.

The Parades to relieve Fire Guard shall be computed as two of the six annual Company Parades—(See FIRE GUARD.) Act of So. Ca. 18th Dec. 1829. § 6. See Ap. p.123.

Boundaries of Beats.

The Beats shall have certain territorial boundaries, which shall be prescribed by the five Commissioners appointed by the Brigadier-General, and these boundaries shall be recorded in the office of Mesne Conveyance. Act of So. Ca. 19th Dec. 1833, § 52. See Ap. p.151.

The precincts shall contain, as far as practicable, an equal number of men liable to militia duty, and not included in the Volunteer Companies or troops. Should these limits be found hereafter inconvenient they must be adjusted under the act of 20th Dec. 1832, which requires the Brigadier-General to appoint five Commissioners from each of the Beats, to be affected by the Division, and their decision when confirmed by the Brigadier-General is final. Act of So. Ca. 20th Dec. 1832. See Ap. p.136.

The Brigadier-General is the President of the Military Board, empowered by the act of 1809 to purchase and prepare a suitable Parade Ground for the Charleston Militia—(see PARADE GROUND.) Act of So Ca. 20th Dec. 1832, § 3. See Ap.p.139.

Citadel in Charleston—(see ARSENALS AND MAGAZINES.)

Citadel and Magazine Guard—see ARSENALS AND MAGAZINES.

CITY GUARD OF CHARLESTON.

This Guard acts within the corporate bounds of Charleston, in lieu of a patrol, not to exceed 100 rank and file. They are exempt from ordinary militia duty. Act of So. Ca. 19th Dec. 1812. See Ap. p. 73. Act of So. Ca. 19th Dec 1833, § 46.

Authorized to pursue and arrest fugitives who may escape and take refuge on the Neck.* See Ap. p.149.

COLLECTION AND COLLECTOR OF FINES.

Sheriff to collect.

Fines are now collected as follows:—

A *fieri facias*, or execution against the property, or a *capias ad satisfaciendum*, or process against the person, addressed to the Sheriff, is signed and issued Act of So. Ca. 19th Dec. 1833. § 32. See Ap. p.147.

* *Be it enacted, &c.* That no clashing of jurisdiction, may arise between the City Council of Charleston, and the Commissioners of Charleston Neck, from fugitives fleeing over said line, on either side from justice, that it shall be lawful for the patrol of the Neck, or the City Guard of Charleston, to pursue and arrest any slave or persons of color, who may take refuge or flee on either side of said line, as above described.—*Act of S. C. 21st Dec. 1822, Sec. 2.*

by the President of the Court Martial imposing the penalty. The Sheriff must within four months return to the Court Martial his proceedings, and pay over to the Paymaster of the Regiment, Brigade or Division under whose authority the Court acted, the amount he may have collected, neglect so to do subjects the Sheriff to the same penalties as he is liable to for neglecting the execution of process in civil cases. His compensation is fifty cents from the delinquent against whom he has proceeded, and ten per cent on the amount collected.

Act of So. Ca. 19th Dec. 1833, § 32. See Appendix, page 147.

The Sheriff, who is now Collector of Fines in all cases, may be ruled, and if necessary, attached by the Court of Common Pleas, before whom complaint has been made of neglect of duty as in ordinary civil cases.

§ 33. See Ap. p. 147.

It is the duty of the Officer ordering the Court, of the President of the same, and of the Paymaster to attend to the Sheriff's collecting and paying over the fines, and upon his neglecting so to do, they, or either of them may take out a rule against him.

Ibid

COMMISSARIES.

There are two Commissary Generals—one of Issues,—the other of Purchases—each with the rank of Lieutenant-Colonel.

Act of So. Ca. 13th Dec. 1815, § 2. See Ap. p. 91.

Commissary-General of Issues.

He is to purchase, or otherwise procure subsistence, fuel, forage and straw for bedding, all of which are to be delivered over to the Quarter-Master-General under the prescribed regulations. He is appointed by the Governor, and is a member of his Staff, and subject only to his orders.

General Orders, 20th May, 1816. See Ap. p. 163.

Commissary-General of Purchases.

He is to purchase all military materials, munitions of war, medicine, and surgical instruments. He is a member of the Governor's Staff, and is subject only to his orders. He is required to give security to be approved of by the Governor, in the sum of thirty thousand dollars.

General Orders, 20th May 1816. See Appendix page 163.

COURTS MARTIAL.

To be ordered by Colonels.

Each Colonel is authorized to order a Court Martial for the trial of any Officer of his Regiment except a Field Officer. The Court must consist of not less than five nor more than thirteen Officers, of whom one must be a Field Officer. Act of So. Ca. 19th Dec. 1833, § 30. See Ap. p. 146.

To consist of three Officers.

It is the particular duty of Colonels to detail Courts Martial to try all who have neglected to attend at any Company, Battalion or Regimental muster, and all Non-Commissioned Officers and Privates who may have disobeyed any orders or not performed militia or patrol duty. These Courts must consist of at least three Commissioned Officers, who are to convene once in every four months, or oftener should the Colonel direct, at or near the Regimental muster ground, or at such other place within the Regiment as he shall designate. The Officers must appear in full uniform during the sitting of the Court.

President's duty.

In all cases where fines shall be imposed, it is the duty of the President of the Court to issue either a *fieri facias*, or a process against the person, directed to the Sheriff of the District, and it is his further duty to see it executed within four months, or have the Sheriff ruled for neglect.

Limitation.

All penalties not enforced within twelve months after they have been imposed, cannot be recovered after that period. Ibid, § 31. See Appendix, page 147.

Defaulters to be reported.

The Officers commanding Companies in each Regiment shall report to this Court all defaulters, summon them to attend, and furnish the Court with evidence that those reported have been duly notified. Ibid.

Appeal.

From this Court there is an appeal. Act of So. Ca. 17th Dec. 1834, § 1. See Ap. p. 154.

Affidavits allowed.

Defaulters if not specially summoned by the Court to attend in person, may send their excuses, but they must be properly sworn to and properly written out. This affidavit may be taken before either of his Company Officers. Act of So. Ca. 19th Dec. 1833. See Ap. p. 147. Act of So. Ca. 17th Dec. 1834. § 2. See Ap. p. 154.

Citadel Guard.

The sentence of no Court Martial whatever shall be put in force until approved of by the Officer who ordered the Court. Act of So. Ca. 19th Dec. 1833, § 30. See Ap. p. 147.

Fire Guard in Charleston.

The Officers and men of the Guard belonging to the State Citadel in Charleston, are to be tried by Courts Martial composed of Officers either of the said Guard or of the Militia. Act of So. Ca. 20th Dec. 1832, § 3. See Ap. p. 136.

Fire Guard in Charleston.

Courts Martial shall be ordered upon all Officers, or men of the Fire Guard of Charleston who may be absent at any alarm of Fire, or at the mounting or relief of the Guard; and the proceedings and penalties shall be the same as for neglect of Regimental musters. Act of So. Ca. 18th Dec. 1829. § 3. See Ap. p. 123.

Report.

At the close of the three months service of the Fire Guard, the commanding Officer of the Guard shall report to the Brigadier-General all the defaulters, and generally all the transactions during his command. All defaulters are to be tried by Courts Martial in the same manner as is prescribed in cases of default from ordinary military duty. § 4. See Ap. p. 123.

Militia in the service of the United States how tried.

Courts Martial upon militia in the service of the United States shall consist only of Militia Officers. Act of Con. 1795, § 6. See Ap. p. 7.

Militia in the service of the State.

When the Governor shall order out any portion of the militia in case of invasion or other emergency, to march to any part of this State, or on application of the Executive of any other State to such State, to repel an invasion thereof, any offence committed by a militiaman, (officer or private,) so ordered out, can only be determined and tried by a Court Martial of the militia of this State; and it is in the power of the Governor, and in case of his absence, of the Commanding Officer of the militia of this State, to mitigate, suspend or pardon any punishment to which any militiaman may be sentenced by any General Court Martial. Act of So. Ca. 10th May, 1794, § 11. See Ap. p. 21.

Governor may pardon, &c.

Fines how collected.

The fines imposed upon militia in the service of the United States are collected by the Marshal of the District, and by him paid over to the Comptroller of the Treasury of the United States within two months after they shall have been collected. Act of Congress, 2d Jan. 1795, § 8. See Ap. p. 7. Act of Congress, 2d Feb. 1813, §2. See Ap. p. 10.

Courts Martial

By whom ordered.

Courts Martial upon General Officers are to be ordered by the Governor. Act of So. Ca. 10th May, 1794, § 21.

Various grades

Division Courts Martial by the Major-Generals in their respective Divisions. See Ap. p. 27.

Brigade—by Brigadier-Generals.

Regimental—by Colonels. Ibid.

Battalion—by Lieutenant-Colonels and Majors in their respective commands. See Ap. p. 27.

The Court before which a Major-General is to be arraigned must consist of one Major-General as President, and four Brigadiers, or should the attendance of the Major-General be prevented, then of five Brigadiers, the senior of whom will preside. Ibid. See Ap. p. 26.

That for the trial of a Brigadier-General, shall consist of one or more Brigadiers and four Field Officers. Ibid.

For a Colonel—of one Officer at least not under the rank of Colonel, and four Field Officers. Act of So. Ca. 10th May, 1794, § 2. See Ap. p. 26.

For a Major or Lieutenant-Colonel—of one Officer not under the rank of a Field Officer, and four Officers not under the rank of Captains. Ibid.

For Non-Commissioned Officers—of not less than three Commissioned Officers. Ibid.

Each member of every Court Martial, before he takes his seat, is required to take following oaths:

Oaths.

"I do swear (or affirm) that I will not divulge the sentence of the Court Martial, until the same shall be approved or disapproved—neither will I, upon any account, or at any time whatever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof by a Court of Justice in due course of law—So help me God." Ibid.

And once in four months.

"And I do further swear (or affirm) that I will well and truly try and determine the cases that shall be brought before me according to law, and the evidence that shall be adduced—So help me God." Act of So. Ca. 16th Dec. 1815, § 2. See Ap. p. 86.

Three Commissioned Officers of a Regiment, constitute a Court for the trial of Non-Commissioned Officers, or Privates. Act of So. Ca 19th Dec. 1833, § 30. See Ap. p. 146.

A Battalion, Court Martial, or Court of Enquiry, may consist of a Captain as President, and four other Commissioned Officers of the Battalion, one of whom however must be a Captain. Where a militia man shall be properly draughted into the service of the State, and shall neglect to attend at the place, appointed, he shall be tried by a Court Martial to be ordered by the Governor, and composed of Officers of his Detachment, if convenient, and if not convenient, then of Officers belonging to his Brigade, or any other of this State, at the discretion of the Commander-in-Chief. Act of So. Ca. 19th Dec. 1816, § 9. See Ap. p. 96. Act of So. Ca. 24th Sep. 1813, § 8. See Ap. p. 75.

Draughts.

This Court is empowered to impose a fine of five hundred dollars, and the whole annual tax of the delinquent, and three months imprisonment. These Courts are to be conducted, and ordered in conformity with the usage of the Army of the United States, as the militia when in actual service, is subject to the rules and regulations of the Federal Troops. (See ELECTIONS.) Ibid.

COURTS OF ENQUIRY.

Court of Enquiry.

Should the conduct of any Officer be represented to the Governor, to the Major-General, or General Act of So. Ca. 10th May. 1794. § 22. See Ap. p. 27.

of his Brigade, or to the Commander of his Detachment, to be so improper as to merit cashiering, the Commanding Officer is authorized to order a Court of enquiry to examine the allegations. This Court of Enquiry shall consist of not less than three Officers, of whom one at least shall be of equal rank with the accused, and should they declare that there is reasonable foundation for the charge, then the commanding officer is authorized immediately to order a Court Martial, finally to decide the case.

DISCIPLINE.

By the Federal Constitution, Congress is empowered "to provide for the organizing, arming and disciplining the militia—reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." Constitution of the U. S. 1st Art. § 8. See Ap. p.179.

In execution of these powers, Congress have at various periods, enacted laws to give efficiency and uniformity to the militia, and the States of our confederacy, have, each, passed laws to adopt the systems prescribed.

Army Regulations of U. S. adopted.

The "Army Regulations" of the United States, as far as consistent with the Laws and Constitution of the State, are adopted and established as a system of police for the militia of the State of South Carolina. Act of So. Ca. 19th Dec. 1833, § 25. See Ap p.146.

Tactics.

In 1830, an "abstract of Infantry tactics, including exercises and manœuvres of Light Infantry, and Riflemen," and also a system of "exercises and instruction for Field Artillery," "for the use of the militia of the United States," were published by the War Department of the General Government, as directed by Congress, Act 2d March, 1829, and distributed among the several States.

These works have been adopted by the Legislature of South-Carolina, as a system of discipline for the Infantry, Riflemen, and Artillery of this State. Act of So. Ca. 20th Dec. 1822, § 13. See Ap. p.134.

For the Cavalry, "Hoyt's Cava'ry Discipline" was adopted by Act of 19th Dec. 1816, to be observed until the Major-General and Adjutant-General should bring forth a uniform system, which has not yet been done. Act of So. Ca. 19th Dec. 1809, § 4. See Appendix, page 66.

By the Act of 19th Dec. 1833, Sec. 26, the Governor is directed to cause a system of Cavalry and Artillery tactics to be compiled, published, and

distributed for the use of the Cavalry and Artillery of this State. See Appendix. page 146.

These works have been published.

ELECTIONS.

The Governor of the State is elected by joint ballot of the two branches of the Legislature. Constitution of So. Ca. Art. 2d § 6.

Commander-in-Chief. He is Commander-in-Chief of the Army and Navy of the State, and of the militia, except when called into the actual service of the United States. Con So. Ca. Art. 2d, § 1. See Appendix, page 194.

Adjutant General. The Adjutant and Inspector-General is elected in the same manner as the Commander-in-Chief, continues in office four years, is perpetually re-eligible, and receives an annual salary of fifteen hundred dollars. Every militia man is eligible to this office. Act of So. Ca. 19th Dec. 1833, § 2. See Ap. p. 140.

Major-General There are at present five Divisions in this State, and each Major-General is elected by the Commissioned Officers of his command, all of whom are entitled to vote. No one is eligible, unless he is at the time a General, a Staff, or a Field Officer of the rank of Major, or above that rank, and a resident of the Division—nor then, unless he shall have held a Commission as high, at least, as the rank of Captain for twelve months immediately preceding the election. Act of So. Ca. 21st Dec. 1814, § 1. See Appendix, page 83. Act of So. Ca. 19th Dec. 1833, § 7. See Ap. p. 142.

Brigadier. The Brigadier is elected by the Commissioned Officers of the Brigade, of every rank, and by such Staff Officers as reside within the Brigade. No one is eligible, unless he be of the rank of Captain, or beyond that rank, or be a Staff Officer resident in the Brigade, and also has held a Commission of, or beyond a Captaincy, for twelve months immediately preceding the election. ibid.

Colonel and Major. Should a vacancy occur, either in the Office of Colonel, or of Major in the line, every Commissioned Officer who shall have held a Commission in the Regiment, if a Colonel is to be elected, or in the Battalion, if a Major is to be elected, for six months immediately preceding the election, is eligible. Act of So. Ca. 19th Dec. 1816, § 2. See Ap. p. 94. Act of So. Ca 19th Dec. 1833, § 7. See Ap. p. 142.

Every member of the Regiment or Battalion, who is above the age of eighteen, and has resided within the State at least six months immediately preceding the election, is entitled to vote, and the candidate who shall receive the greatest number of votes, whether it be a majority of all the votes, or only a plurality is elected. Act of So. Ca 19th Dec. 1833. § 8. See Appendix, page 142. §. 8. Ibid.

Those who are attached either to the Cavalry or Artillery, cannot vote for a Colonel, or Major of Infantry. Act of So. Ca. 19th Dec. 1816, § 2. See Ap. p. 94.

Lieut Colonel. Should a vacancy occur in the office of Lieut. Colonel, the Major of the Regiment shall be commissioned as Lieut. Colonel. Act of So. Ca. 19th Dec. 1816 § 2. See Appendix, p. 94.

Company Officers. Should the Office of Captain, Lieutenant, or Ensign of any Volunteer uniform, or Battalion Beat Company become vacant, every Member, Private, or Officer) of that Beat Company or Volunteer Corps, is eligible, and all who are above eighteen, or who shall have resided in the State at least six months immediately before the election, and are liable to do duty in the Beat or Volunteer Corps in which the vacancy is to be filled, are entitled to vote, but no person attached to the Cavalry is entitled to vote at such election. Act of So. Ca. 19th Dec. 1816, § 2 See Ap. p. 94. Act of So. Ca. 19th Dec. 1833, § 8. See Ap. p. 142.

Qualifications not required until the 12th April, 1835. The provision requiring candidates, either for the Office of Major-General, or of Brigadier-General, to have held a commission for twelve months before, and those who offer as Field Officers for six months, was in operative until the 12th April, 1835. Act of So. Ca. 19th Dec. 1833. § 8. See Appendix, page 142

Commission by whom to be granted. The Major-Generals, and the General Staff, are commissioned by the Governor. Act of So Ca. 19th Dec. 1833, § 55.

The Brigadier-Generals and the Division Staff, by the Major-General of the Division. See Ap. p. 153

The Brigade Staff, and all the Field Officers of a Brigade, by their Brigadier-General. Ibid.

The Regimental Staff, and all the Company Officers are commissioned by the Colonel, or in his absence by the Officer commanding the Regiment or Squadron in which the election or appointment has been made. Ibid.

Blanks to be prepared, and distributed under the direction of the Governor. It is the duty of the Governor to have all the military commissions properly prepared, and printed, and to have the various officers supplied with the blanks of the commissions, which they are authorized to execute and grant. Ibid. See Appendix, page 152.

How to be granted. Before granting a commission, each officer is required, either himself to administer, or to be furnished by the applicant for the commission, with a regular certificate of the following oath, prescribed by the Constitution, having been duly administered.

"I do solemnly swear (or affirm,) that I will be faithful, and true allegiance bear to the State of South-Carolina, so long as I may continue a citizen thereof, and that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and that I will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State, and of the United States." Act of So. Ca. 17th Dec. 1834, § 3. See Appendix, page 154.

The Officer in granting the commission is required to endorse a copy of the Oath upon it, and when the Oath is administered by another, a copy of the certificate, and himself to certify upon the commission that they are true copies of the original oath and certificate. Act of So. Ca 19th Dec. 1833, § 12. See Appendix, page 143.

Any of the above officers who is authorized to commission, is also qualified to administer the oath, and grant the required certificate. Act of So. Ca, 19th Dec. 1833, § 11. See Ap. p. 148.

Notification mode of conducting of an election for Company and Field Officers.

Previous to the election of a Major-General, or a Brigadier, a notice of fifty days is necessary, which, for that length of time, must be posted up at least at one public place in each Beat in the Regiment—of a Colonel, forty days---at three public places in the Regiment or Battalion, as the case may be—of a Captain, Lieutenant, or Ensign, twenty days in each case—at four public places in the company's limits. Act of So. Ca. 19th Dec. 1816, § 8. See Appendix, pages 96, 95, and 97. Ibid, p. 96.

Each Captain shall appoint two of his Subaltern Officers, or if there should be none such in his company, then any two other persons under his command, as managers of any election which may be ordered. Act of So. Ca. 18th Dec. 1813. § 1. See Appendix, page 98.

Each Manager upon opening the poll, shall swear that he will conduct the election impartially, faithfully, and according to law. § 2. See Ap. p. 98.

The Managers shall at each poll have a book or roll, in which the name of each voter shall be entered, and they may require every one who offers his suffrage, to swear that he is enrolled, liable to duty, and legally qualified to vote at that poll, should they not be satisfied with the oath, they may examine the party until their doubts are removed, or if not removed, the vote may be rejected. Act of So. Ca. 20th Dec. 1800, § 7. See Appendix, page 53.

The Officer holding the election is likewise required to swear that he has managed the election according to law, according to the best of his knowledge and belief, and the orders he received from his commanding officer, for conducting the same. Ibid.

In counting the votes at the election of the company officers, both of the managers should be present—but in the election of Field Officers, the presence of only one manager from each poll is necessary. Act of So. Ca. 19th Dec 1818. See Ap. p. 96. § 6. Act of So. Ca. 18th Dec. 1818. § 2 See Ap. p. 98

Election of Major-General

Orders for Elections of Major Generals are issued by the Governor to his Brigadier Generals, requiring them to order an election in each Regiment of the Division to fill the vacancy. All the commissioned officers of the Division are entitled to vote. Act of So. Ca 19th Dec. 1816 § 1. See Appendix page 93.

Eligibility.

The General, Field and Staff Officers, residing within the Division of, or above the rank of Major, and who have held a commission of, or above the rank of Captain for twelve months next preceding the election, are alone eligible to the office of Major-General. Act of So. Ca. 19th Dec. 1833, § 7. See Ap. p. 142.

Each Colonel returns the state of the polls of his Regiment to the Brigadier-General, who transmits them to the Governor, he pronounces the person having the greatest number of votes to be duly elected, and commissions accordingly. Act of So. Ca. 19th Dec. 1816, § 1. See Appendix, page 93.

Election of Brigadier-General.

Orders for elections of Brigadier-Generals are issued by the commanding officer of the Division to the Colonels of the Regiment, composing the Brigade in which the vacancy exists. Act of So Ca. 19th Dec. 1816, § 2. See Appendix, page 93.

Voters.

Eligibility.

All commissioned Officers of the Brigade, and Staff Officers residing therein, are entitled to vote; and no one is eligible to the office, unless he is an Officer of the Brigade, or a Staff Officer residing therein, of or above the rank of Captain, and has been such for 12 months next preceding the election. Act of So. Ca. 19th Dec. 1833, § 7. See Ap. p. 142.

Return.

Each Colonel must attend the counting out the votes, and make a return of the state of the polls of his Regiment to the commanding Officer of the Division, who declares the election, and commissions accordingly. Act of So. Ca. 19th Dec. 1816, § 2. See Appendix, page 93.

Election of Colonel.

Manner of conducting the election.

Notice.

Return.

Whenever a vacancy for Colonel takes place, the Brigadier General, and in case there be none, or a Major General, the officer next in command of the Brigade must issue his order to each commanding officer of a company in the Regiment, to call to his aid two of his subaltern officers, or if none, two other fit persons to hold a poll at their several muster grounds. Each Captain must advertise for at least 40 days, at three public places within his command. The managers are to hold the polls for one day, from 11 o'clock, A. M. until 3 o'clock, P. M. and must meet at the Regimental muster ground the first or second day after the election, as may have been ordered, to count over the votes and declare the election—no one eligible, unless he held a commission in the Regiment six months next previous to the election. The Brigadier-General commissions the person elected. Act of So. Ca. 16th Dec. 1818, § 1 See Ap. p. 97.

Eligibilty.

Act of So. Ca. 19th Dec. 1833, § 7 55. See Ap. p. 142 and 153.

Election of Major. Manner of conducting the election. Notice. Return. Eligibility.

Orders for the election of a Major are issued by the commanding officer of the Regiment to each Captain or commanding officer of a company, to call to his assistance two of his subaltern officers, or other fit persons, to hold a poll at their several muster grounds, giving forty days notice by advertising at three places within their commands. The managers must hold the poll one day, from 11 o'clock, A. M. to three o'clock, P. M. They must afterwards meet on the Battalion muster ground, or some public house near, on the day following, count the votes, and declare the election. Eligibility same as Colonel.

Act of So. Ca. 18th Dec. 1818, § 1. See Ap. p. 97.

He is commissioned by the Brigadier-General.

Act of So. Ca. 19th Dec. 1833, § 55. See Ap. p. 153.

Appointment of Lieut Colonel.

When a vacancy takes place in the office of Lieutenant Colonel, the Major in the Regiment is commissioned as such.

Act of So. Ca. 19th Dec. 1816, § 2. See Ap. p. 94.

Election of Captain. Manner of conducting the election. Notice.

Orders for the election of a Captain are issued by the Commanding Officer of the Battalion or Squadron in which the vacancy occurs, who appoints two persons belonging to the company to manage the election at their usual muster ground, from 11 o'clock, A. M. to 3 o'clock, P. M. the notice of election must be advertised in at least four public places in the company for twenty days, the managers are to count the votes the same evening, and declare the election.

Act of So. Ca. 19th Dec. 1818, § 5. See Appendix, page 95.

He is commissioned by the Colonel of the Regiment.

Act of So. Ca. 19th Dec. 1833, § 55. See Ap. p. 153.

Election of 1st and 2d Lieut. Ensign and Cornet. Manner of conducting the election. Notice.

Orders for the election of first Lieutenant, second Lieutenant, Ensign or Cornet, are issued by the Captain of the company, if there be none then by the Major or Lieutenant Colonel commanding the company or troop. He appoints two persons to hold the election at the muster ground, from 11 o'clock, A. M. to 3 o'clock, P. M.; notice of which must have been published twenty days previous, in at least four public places in the company or troop. The managers count the votes the same evening.

Act of So. Ca. 19th Dec. 1816, § 6. See Ap. p. 96.

The person elected is commissioned by the Colonel of the Regiment.

Act of So. Ca. 19th Dec. 1833, § 55. See Ap. p. 153.

Sergeants and Corporals, how appointed

Sergeants and Corporals are appointed by their several Captains.

Act of So. Ca. 10th May, 1794 § 9. See Ap. p. 29.

No person attached to the Cavalry, and no person who has not resided in the State at least six months previous to any election for officers in any Volunteer uniform or Beat Companies, are entitled to vote at such elections. Act of So. Ca. 19th Dec. 1838, § 8. See Ap. p. 142.

Exemption from toll.

The managers of elections while travelling to or returning from elections, or counting the votes, as well as the voters themselves, are exempt from Tolls at Ferries and Turnpike Roads—(see FERRIAGE AND TOLL.) Act of So. Ca. 18th Dec. 1818, § 4. See Ap. p. 98.

Beats.

Refusal to elect or to serve.

Whenever a Beat shall refuse for two months to elect, or the officers shall refuse for thirty days to qualify, the Colonel of the Regiment shall appoint officers from the members of the Beat to continue discharging the duties of the office, until the vacancy is supplied by election, or for one year, should no officer elected qualify within that time. Act of So. Ca. 19th Dec. 1838, § 9. See Ap. p. 142.

Every officer so appointed, shall perform the duties under a penalty of twenty dollars—but no one so appointed shall be required to equip himself, or to serve more than one year in three.

Act of So. Ca. 19th Dec. 1838, § 10. See Ap. p. 143.

Every officer either elected or appointed, who shall refuse to take the oath prescribed by the Constitution, as amended within sixty days, forfeits his commission, and is thereafter ineligible to the same office. Act of So. Ca. 17th Dec. 1834, § 3. See Ap. p. 154.

Every officer who qualifies, is required to serve at least a year, under a penalty of twenty dollars—promotion or removal of residence from his command, are, however, cases of exception. Act of So. Ca. 19th Dec. 1838, § 9. See Ap. p. 143.

Contested Election of Field Officers.

Should the Election of a Field Officer be contested, it must be referred to the Brigadier, who shall summon to his assistance two Field Officers of some other Regiment in his Brigade, who are uninterested in the issue, and this Board shall declare their decision. Act of So. Ca. 10th May, 1794, § 5. See Ap. p. 19.

Appeal.

Should either party be dissatisfied with the decision, he may appeal to his Major-General, who shall appoint and summon a Board of General and Field Officers—consisting of himself as the Major-General, not less than one Brigadier, and three Field Officers, whose decision is final and conclusive. Act of So. Ca. 19th Dec. 1795 § 2. See Ap. p. 48.

Contested election o Captain, &c.

Should the election of a Captain, or any other Company Officer be contested, it shall be referred to Act of So. Ca. 10th May, 1794, § 5. See Ap. p. 19.

a Board composed of the Field Officers of his Regiment, whose decision will be final and conclusive.

When in service officers to rise by grade.

When any Division, Regiment, Battalion, Company or Troop, shall be embodied, and in actual service, either under the authority of this State, or of the United States—all vacancies shall be filled by seniority.

Act of So. Ca. 19th Dec. 1816, § 7. See Ap. p. 96.

ENCAMPMENT OF COMMISSIONED OFFICERS.

Major-General and Staff to attend.

Once in every two years, each Brigadier, under the direction of the Governor, shall assemble all his Commissioned Officers at some convenient place within the precincts of his Brigade, and there continue them encamped for five days. He must also notify his Major-General of the time and place of encampment, who with his Staff shall attend.

Adjutant and Inspector-General to attend.

It is also one of the specific duties of the Adjutant and Inspector-General, not only to attend every such encampment, but to drill, train, exercise, and instruct the officers encamped in the various branches of military duty. The Brigadier is required to superintend minutely their instruction in all that may belong to the individual soldier, to the Company or Battalions, in the manœuvres of the line, and the discipline of the camp. Every officer must appear in his full uniform, and besides his side arms, be equipped with a musket and bayonet, cartouch box, twenty-four rounds of blank cartridges, and a knapsack. The necessary tents will be supplied from the State Arsenal.

Act of So. Ca. 19th Dec. 1833, § 27. See Appendix, page 146.

ENROLMENT.

It is the duty of the Captain of every Beat Company, to enrol every able bodied free white male citizen that may reside within his Beat, between the ages of eighteen and forty-five, for ordinary militia duty.

Act of Congress, 8th May, 1792, § 1. See Appendix, page 2.

Persons so enrolled to be notified.

A summons for duty is a sufficient notice.

ibid.

Every person so enrolled, to provide himself with arms—(see ARMS.)

Act of Congress, 8th May, 1792, § 1. See Ap. p. 2.

All exemptions relate only to ordinary militia duty —"times of invasion and alarm being expressly ex-

Act of So. Ca. 19th Dec. 1833, § 46. See Ap. p. 149.

cepted"---all persons capable of performing duty, would be liable in such cases. It is therefore the duty of the Captain of every Beat Company to have a regular roster of his alarm men, who are not only liable to do duty in cases of invasion and alarm, but are also entitled to vote at all elections, within their respective Beats.

Act of So .Ca 19th Dec 1816, § 2. See Ap. p. 94. Act of So. Ca. 19th Dec. 1833, § 8. See Ap. p. 142.

dress inst improper enrolnt.

Should any person be enrolled who considers himself exempt by law, he may apply to the Captain, and dissatisfied with his decision, is empowered finally to appeal to the commander of the Regiment for redress.

Act of So Ca. 10th May, 1794, § 10. See Ap. p. 21.

Every one enrolled, upon fixing his residence in another Beat, must report himself within thirty days. to the officer, and perform duty in his new abode. Otherwise, he may be treated as a defaulter in his former Beat, and subject to a fine of five dollars. He must also notify his former Captain of his removal.

Act of So. Ca, 19th Dec. 1833. § 44. See Ap. p. 149.

EXEMPTS.

The following citizens are exempt from militia duty, except in cases of alarms.

All persons below the age of eighteen, and above the age of forty-five.

All persons holding office under the United States, who are now exempt by law, viz: the Vice President of the United States—all Judicial and Executive Officers of the Federal Government.

Act of Congress, 8th May, 1792, § 2. See Ap. p. 2.

The Members of both Houses of Congress and their Officers. All Custom House Officers with their Clerks. All Officers in the Post Office Department, and such stage drivers as are employed in conveying the mail of the United States. All Ferrymen employed at any Ferry on the Post Road.* All Inspectors of Exports—all Pilots—all Mariners actually employed in the sea service of any citizen, or of any merchant in the United States.

All artificers and workmen employed in the armories of the United States.

Act of Congress, 7th May, 1800. See Ap. p. 9.

* Employing a boat between Charleston and Sullivan's Island does not constitute the person a ferryman within the meaning of the exemptions at common law, or the militia act, from militia duty. A person so running a boat, has not the exclusive rights of a ferryman, nor is he liable to the same restrictions.—*State vs. Clarke*, 2 *M'Cord*, 47.

The Lieutenant Governor.

Act of So. C. 19th Dec. 1833 § 46. See Ap. p. 14

The Judges of the State—the members of both branches of the Legislature, and their officers, are exempt during any Session, and fifteen days before, and the same time after any Session;---regularly officiating Clergymen---Schoolmasters who have under their tuition not less than fifteen scholars---students at Schools, Academies and Colleges---Clerks of Courts---Sheriffs and Gaolers—Physicians and Surgeons who have been regularly admitted, and who are practising—all Branch Pilots.

One white man to each established Ferry, Toll Bridge, or Toll Grain Mill.

One white man to each forge, and three white men to each furnace, erected at any irons works in the State, who shall continually reside and work at them.

The President, Cashier, and Clerks of the several Banks of this State, and of the Branch of the United States Bank.

The Officers and men of the City Guard of Charleston.

The Overseers, Toll-Keepers and Lock-Keepers of the Santee Canal.

The superintendent and keepers of the Lunatic Asylum.

The several Fire Engine Companies.

The superintendent of the Public Works—toll collectors on the State Road, and Lock-Keepers of the State Canals—keepers of the Arsenals at Charleston and Columbia.

The Citadel and Magazine Guard at Charleston.

The following officers and persons of the So. Ca. Canal and Rail Road Company are excused from militia duty, viz: The Chief and Assistant Engineers—superintending Officer—the Secretary and the auditor of the Directors—the keeper of the Depository—guards stationed on the road to protect the Rail Road, not exceeding one white man for every five miles---those actually employed in working the Locomotive Engine---one Engineer, and his assistant to each Steam Engine---one person to each car that transports passengers---and one to every five cars transporting goods.*

* Act of South Carolina, concerning the South Carolina Canal and Rail Road Company, passed 20th Dec 1832.

Sec. 1. *Be it enacted by the Senate and House of Representatives,* That the following officers and persons, in the actual

FERRIAGE AND TOLL.†

The President of the United States and suite, the Governor of the State, members of the Legislature going to, and returning from the Legislature, all persons going to, and returning from divine service, all persons necessarily attending on patrol and militia duty, and all persons in times of alarm, all expresses are exempt from any ferriage, toll, or duty, at any of the ferries or bridges established by the Act of 21st Dec. 1792.

All persons necessarily attending on patrol or militia duty, exempt from *any ferriage, toll or duty.* Act of So. Ca. 17th Dec. 1813, § 23.

Every person travelling in the performance of any civil or military duty, for which he receives no salary or reward, is exempt from the payment of toll or ferriage at every bridge, ferry and turnpike road, *chartered after 17th Dec.* 1827. Act of So. Ca. 17th Dec. 1824, § 8. Act of So. Ca. 17th Dec. 1827, § 38.

Every licenced Minister of the Gospel,---every member of the Legislature---persons going to, and returning from divine service, entitled to the same exemption. Ibid.

In time of war or insurrection, troops with their baggage, &c. exclusively in the service of the State, shall pass every bridge, ferry, and turnpike road, at one half of the established toll or ferriage. Ibid.

On the State Roads, owned by the State, exemption from tolls has been granted to the Army of this State, of our sister States, and of the United Act of So. Ca. 17th Dec. 1824, § 8.

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employment of the said company, be and they are hereby exempted from the performance of jury and ordinary militia duty, to wit: The Chief Engineer, and the Assistant Engineers, the Commissioner or superintending officer, the Secretary and the Auditor of the Directors, the keeper of the Depository, the Guards stationed on the road to protect it from injury, (not exceeding one white man to every five miles,) and such persons as may be actually employed in working the Locomotive Engines, and in travelling with cars, for the purpose of attending to the transportation of passengers, and of goods on the said road, not exceeding one white Engineer, and his white assistant to each steam Engine, and one white person to each passage car, and to every five cars for transporting goods.

† For the clauses of acts relating to ferriage and toll referred to, see end of this Digest. The provisions on this subject are obscure, and in some cases contradictory.

States, together with their horses, teams, &c. and to every person travelling in the performance of any civil or military duty, who receives no salary.

Should ferriage or toll be demanded, and received from any person exempted from the same, the person guilty of such exaction, shall forfeit ten dollars to the person charged with the same, to be recovered before a Justice of the peace. Act of So. Ca. 29th Dec. 1823, § 6.

FEES FOR ENFORCING PENALTIES.

The Sheriff of the different Districts are now the Collectors of all Military and Patrol Fines, and are allowed---For every Execution, whether against the property or the person, fifty cents from the defendant. He is also entitled to ten per cent of the amount of fines collected. Act of So. Ca. 19th Dec. 1833, § 32. See Ap. p. 147.

FINES.

(See COLLECTOR AND COLLECTION OF FINES.)

FIRE GUARD OF CHARLESTON.

The Brigadier-General, or Senior Officer in Charleston, is authorized to fix the number of the Militia to be detailed every three months, and kept in readiness to attend on duty at all fires which may occur during that period. The rest of the Militia are not required to be on duty at fires. This Guard is commanded by a Field Officer under the rank of Colonel, who is detailed according to a roster of those Officers of the city that do not command Regiments.

Brigadier to fix the number. Act of So. Ca. 18th Dec. 1829, § 1. See Ap. p. 122.

Commanded by a Lieut. Col. or Major.

For neglect of duty in the Fire Guard, the same mode of proceeding is observed and the same penalties inflicted as for non-attendance at Regimental Musters. § 2, Ibid. page 123.

The two parades of each Company for mounting and relieving Fire Guard are computed as two of the six annual Musters required of the Militia, and the commanding Officer may exercise his men on each occasion. In the absence of the Field Officer who directs the Fire Guard the authority devolves upon the Senior Captain, and it is proper that whenever the commanding Officer intends to be absent, he should notify the Officer next in command of his intention.

Mounting and relieving each considered as a Militia parade. Ibid, § 5, 6, and 7. Page 123.

The Fire Guard continue liable to ordinary Militia duty during the three months of their routine. Act of So Ca. 18th Dec. 1829, § 8.

At the end of the three months, the Commanding Officer shall report to the Brigadier-General the occurrences, and particularly such as may require attention, and defaulters will be tried by Regimental Courts Martial as in cases of default from ordinary Militia duty. The proceedings and penalties are the same as in ordinary Militia cases. See Ap. p.124. § 4. See Ap p.123. Act of So. Ca. 17th Dec. 1834, § 21.

FREE PERSONS OF COLOUR.

See Appendix, page 157.

Between 18 and 45 liable to Fatigue duty.

All Free Persons of Colour between the ages of eighteen and forty-five, are required to serve in the Militia as Fatigue Men, or Musicians. They are entitled, when in actual service, to the same compensation and are liable to the same penalties as the Militia. They are not to be armed on ordinary occasions, but in cases of alarms, on detachment service—they are to be armed. Act of So. Ca. 10th May, 1794, § 33. See Ap. p. 32. Act of So. Ca. 24th Sep. 1813, § 16. See Ap p. 77. Act of So. Ca. 20th Dec. 1800, § 13. See Ap p. 54.

Free persons are not to be employed as Pioneers—but are subject to fatigue duty when required.*

GOVERNOR OR COMMANDER IN CHIEF OF THE MILITIA.

Rank.

The Governor of South-Carolina is Commander-in-Chief of the Army and Navy of the State, and of the Militia, except when they are in the service of the United States Constitution of So. Carolina, Art. second, § 6. See Ap. p.195.

Appoints the General Staff.

Commissions the Major-Generals.

The Commander-in-Chief is authorized and required to appoint all the General Staff, with the exception of the Adjutant-and-Inspector-General, who is appointed by the Legislature, and to Commission the Major-Generals and the General Staff, to prepare Blank Commissions in proper form and distribute them among the Major-Generals, Brigadiers and Colonels by whom they are to be respectively issued. Act of So. Ca. 13th Dec. 1815, § 4. See Ap. p, 92. Act of So. Ca. 19th Dec. 1833, § 2. See Ap. p.140. See Ap. p.152. Act of So. Ca. 19th Dec. 1833, § 55. See Ap. p.152.

* No Free Person of Colour shall be hereafter employed as a Pioneer, though he may be subjected to military fatigue duty when called on.—*Act of South-Carolina 20th December, 1823, 13th Section—referred to also in Appendix page 32.*

To inspect Paymaster General's account annually.

Annually to inspect the account of the Paymaster-General, to direct the Brigadiers as to the time and place where their Encampments of Officers are to be made, which the law requires for five days in every two years. To order Reviews of such portions of the Militia and at such times and places as he shall deem proper. Act of So. Ca. 19th Dec. 1833. See Ap. p 148. Act of So. Ca. 19th Dec. 1833, § 27. See Ap. p. 146. Act of So. Ca. 19th Dec. 1833, § 24. See Ap. p. 145.

To approve or otherwise of the appointment of Division Staff. Exception.

To give or withhold his approval, according to his judgment, of the appointments made by the Major-Generals in their respective Division Staffs, with the exception of the Aids-de-Camp, in the appointment of whom the power of the Major-Generals is uncontrolled. Act of So. Ca. 19th Dec. 1833, § 2. See Ap. p. 140.

To apportion arms between Charleston and Columbia.

To apportion between the two Arsenals in Charleston and Columbia the quantity to be held in each, of the arms which are required to be kept in readiness for service, and for which fifty thousand dollars have been appropriated. Act of So. Ca. 19th Dec. 1833, § 3. See Ap. p. 153.

To procure arms.

To effect the objects of that appropriation—and see that both the arms and the Arsenals themselves are preserved in the most perfect order. To procure arms with the two thousand five hundred dollars annually appropriated for that purpose, and distribute them with such as may be received from the Federal Government, among the Militia to such an amount and on such conditions as may appear to him expedient. He is authorized to collect all the arms of the State not in possession of some organized Company, to re-issue such as are fit for use to any Volunteer Company applying for the same, those unfit to be returned to either of the State Arsenals and repaired or disposed of according to law. Act of So. Ca. 19th Dec. 1833, See Ap. p. 153. Ibid, § 7. See Ap. p. 153½ Act of So. Ca. 17th Dec. 1834. See Ap. p. 154½

To regulate Citadel Guard

To regulate the Guard at the State Citadel in Charleston, who are placed under his exclusive orders, to appoint their Officers, and remove such as he shall think necessary,—prescribe their duties—determine the amount of compensation to be received by the Officers and men of this Guard; but no Commissioned Officer is to receive a higher amount than is allowed an Officer of the same grade in the Federal Army, and to order whatever he may suppose promotive of the discipline of this corps, or the security of this Arsenal and Magazine, as well as that at Columbia Act of So. Ca. 20th Dec. 1832, § 2. See Appendix, page 135.

To establish Quarantines when requisite and enforce all regulations calculated to ensure the most Act of So. Ca. 16th Dec. 1797. See Ap. p. 48

rigid observance, particularly such as are prescribed by the Acts of 1809 and 1832.* (See QUARANTINE.)

To order Courts Martial, and Courts of Enquiry upon Major-Generals and the Officers of the General Staff, to examine the decisions of these Courts, and reverse or affirm them according to his judgment. Act of So. Ca. 10th May, 1794. § 21. See Ap. p. 26.

He has power to order reviews of such portions of the Militia as he may think proper, and is also invested with all the powers now provided by law in cases of Invasion or threats thereof. (See INVASION.) Act of So. Ca. 19th Dec. 1833, § 24. See Ap. p. 146.

He may impose an Embargo for thirty days on provisions upon any emergency. Constitution of So. Ca. Art. 2, § 9. See Ap. p. 195.

The Commander-in-Chief is authorized to appoint ten Aids-de-Camp with the rank of Lieut. Colonel. Act of So. Ca. 13th Dec. 1815, § 3. See Ap. p. 91.

He is authorized, while in Charleston, to order upon guard the whole or any portion of the Militia of the city upon any occasion when it may seem to be required. Act of So. Ca. 10th May, 1794, § 35. See Ap. p. 33.

He may pardon, suspend, or mitigate any sentence passed by any Court Martial for transgression of any Militiaman against the Regulations of the Federal Army, whilst in the service of the United States. Act of So. Ca. 10th May, 1794. See Ap. p. 21.

He may also, upon the request of the Governor of another State, order to his aid one-third of the Militia for two months. Act of So. Ca. 24th Sep. 1813, § 1. See Ap. p. 78.

GRENADIERS.

By the Act of Congress of 8th May, 1792, Sec. 4, it is directed that for each Battalion there shall be at least one Company of Genadiers, Light Infantry, or Riflemen. See Ap. p. 3.

One Company of Grenadiers was formed in Charleston after the Revolution, but has long since been dissolved. At present and for thirty years there has not been a company of Grenadiers in Charleston. In Fairfield and Chester Districts there was also a corps of Grenadiers in 1831. Any one liable to Militia duty within the Districts of Fairfield and Chester is authorized to join the Fairfield Grenadier Company as though he were a resident in the Regiment to which the Grenadier Company is attached. This species of troops has at present disappeared in the Militia of South-Carolina. Act of So. Ca. 17th Dec. 1831. See Ap. p. 130.

* See Quarantine Laws published at the end of this Digest.

GUARD CITY—See *City Guard.*
GUARD FIRE—See *Fire Guard.*
GUARD MUNICIPAL—See *Municipal Guard.*

INCOMPETENCY.

It is the duty of Officers to report such Officers as they believe to be unqualified for their Commissions, and upon them Courts Martial should be ordered to determine their competency. After the charges are exhibited, the accused has the privilege of resignation. Should he, however, prefer undergoing a trial, and be convicted of incompetency, he will be cashiered, and thereby disqualified to hold any Commission in the Militia for a period of not less than one nor more than five years, at the discretion of the Court. Act of So. Ca 16th Dec. 1815. See Ap. p. 86.

INVASION, INSURRECTION, RESISTANCE TO THE LAWS.

Congress is invested with power by the Federal Constitution to provide for the calling forth the Militia to execute the laws of the Union, suppress insurrections—and repel invasions. When in the actual service of the United States, the Militia are subject to the Rules and Articles of War. Constitution U.S. Art 1, § 8. See Ap. p. 179. Act Congress 2d Jan. 1795. See Ap. p. 7.

Governor So. Ca. his power.

In case of invasion or insurrection, or the apprehension of the same, the Governor may assemble whatever number of Militia he may deem requisite to repel the one or repress the other. He will immediately send expresses to the Officers to raise their respective quotas, and if the danger is approaching very rapidly, he may order an alarm sounded.—(See ALARM.) Act of So. Ca. 10th May, 1794, § 25. See Ap. p. 28.

Expresses.

Sound alarms.

Any Commissioned Officer on the sight of an enemy, or on being informed by a white person, upon whom he supposes he may rely, that an enemy is approaching, may make an alarm by firing three small arms at short intervals; he shall thereupon immediately despatch one express to the Governor, and another to the next Field Officer of the Regiment, and collect and prepare his own corps for action. The Field Officer upon receiving the despatch, should immediately hasten an express to his Brigadier-General and one to his Major-General, and order such portion of his Regiment to the point threatened as may seem to him expedient. Ibid.

Impressment of arms, provisions and other necessaries for the troops.

Should the troops not be supplied with what may be necessary for the emergency, all Field Officers and Captains are empowered to give warrants to the officers or men under their command to impress arms, ammunition, provisions, horses, wagons, vessels, or any thing that may be required. Before using them they should be appraised by three disinterested Freeholders. How the Appraisers are to be appointed the law does not exactly prescribe, but the party whose property is seized may doubless object to any person whom he may suspect not to be impartial. The Officer will then give the owner a certificate of the appraisement, and also have a copy of it entered in a book which it is his duty to keep for the purpose. For such articles as provisions, ammunition or the like which are consumed, the owners will be paid the amount of the appraisement, for other subjects they are to receive such compensation as the same Appraisers may deem just for any injury they may have suffered, or if uninjured, for the use of them.

Act of So. Ca. 10th May, 1794, § 31-32. See Appendix, pages 31-32.

As soon as the alarm is over and before the men are discharged, the Officer should detach as many as are necessary, to return to the owners such of the different articles as have not been destroyed, and take proper receipts, he is authorized to draw upon the Public Treasury for the amount requisite to meet the expenses of returning to the owners the articles which were impressed. The certificates of appraisement may be presented to the Public Treasurer most convenient to the holder, and by him it will be presented to the Legislature at its next Session, who will order the necessary appropriation.

Act of So. Ca. 10th May, 1794, § 32. See Appendix, page 32.

A particular account must be kept of all articles impressed. This Act may be pleaded in bar in prosecutions and suits where its provisions have not been abused, and the Officer, and all acting under his authority, who are prosecuted or sued, are entitled to double costs when the plaintiff does not succeed.

Ibid, § 31. See p. Ap. 31. Ibid, § 37. See Ap. p. 33.

Mode of draughting.

An Officer upon being required by the proper authority to supply a certain number of men for service, must put the names of his whole Company in a hat, and his Secretary, or one of his Sergeants, shall take out as many names as the number of men required, and they whose names are thus impartially drawn shall constitute the quota. Every one draughted has the privilege of sending a substitute, who must be an able bodied man, approved of by a majority of the Officers of his Company as efficient, and he must

Act of So. Ca. 10th May, 1794, § 30. See Appendix, page 31.

Substitute.

be properly armed and equipped. The person draughted, though he has employed a substitute in the detachment of his Company on service, is bound to do patrol duty with those who remain in the Parish or District.

One-fourth to remain to perform patrol duty.

One-fourth of the Militia must always remain in the Parish, so that no draught can ever exceed three-fourths. The fourth who remain will be constantly on patrol duty, and guard the plantations of the District or Parish. Every Commissioned Officer of the Militia is empowered to assemble his men and to re-

Act of So. Ca 10th May, 1794, § 29. See Appendix, page 30.

Suppression of robbers.

quire aid from any adjoining corps to suppress, capture or destroy bandits, pirates, runaway negroes or other marauders who may infest his District. Whenever a draught is ordered, volunteers and substitutes will be received.

On duty three months within the State.

Militia are not required to be upon duty more than three months in the service of the State or United States, nor more than two months in the service of a sister State.

Act of So. Ca. 24th Sep. 1813. See Ap. p. 73.

Two months out of the State.

The Governor, upon being solicited by the Executive of a sister State, may detach one-third of the whole Militia of South-Carolina to his assistance, but they cannot be continued on duty more than two months.

Act of So. Ca. 10th May, 1794, § 11. See Ap. p 21.

Legal Summons.

A Summons left at the residence of an Officer or private of the Militia is legal notice, and inattention to it will subject him to the penalties of neglect of duty.

Act of So Ca. 24th Sep. 1813, § 1. See Ap. p 73. Ibid, § 9. See Ap p. 75.

Penalties.

In times of invasion or other alarm, the Militia are liable to the following penalties for delinquency:

Act of So. Ca. 10th May, 1794, § 27.

For not making every reasonable exertion to extend an alarm, fifty pounds sterling, unless the Court shall impose a smaller amount. For neglect in not repairing to the rendezvous speedily, not more than twenty pounds sterling. Should one's corps have actually engaged in battle and he be absent through negligence or other misconduct, not more than forty pounds sterling. For not assisting in suppressing and capturing runaway negroes, sea rovers or other marauders, two pounds sterling. For not performing patrol duty, and obeying the lawful orders of his Officer to guard the plantations and dwellings of the citizens during the time the rest of the Militia are absent from the Parish on duty, fifteen pounds.

See Ap. p 29. See Ap. p 30. Ibid, § 28. See Ap. p. 30. Ibid, § 29.

For refusing or neglecting to appear at all, or not obeying the summons when draughted, five hundred dollars, the amount of his last tax and three months

Act of So. Ca. 24th Sep. 1813. § 8. See Ap. p. 75.

imprisonment, the whole or less at the discretion of the Court Martial.

This Court should consist of the Officers of the detachment on duty, or, should that be inconvenient, of Officers of the Brigade to which the delinquent belongs, or, should that not be convenient, of such Officers as the Governor may direct. He is authorized to order Courts on such occasions, and they will act in conformity with the usages of the Army of the United States. Act of So. Ca, 24th Sep, 1813, § 8, See Ap, p, 75,

Should the Sheriff not find property sufficient to discharge the fine, the delinquent must be imprisoned until either the amount is paid, or he shall have continued in confinement double the time he would have served had he joined the detachment as summoned. Ibid § 10.

Articles of War to be proclaimed.

Whenever the Militia are in actual service either within the State or beyond its limits, they are under the Rules and Regulations of the troops of United States, and the Rules and Articles of War should be solemnly proclaimed at the head of the detachment as soon as they are embodied. Ibid, § 7.

LIMITATION.

All Militia fines and other penalties imposed by Act of 19th December, 1833, may be recovered within twelve months and not afterwards. Act of So. Ca. 19th Dec. 1833, § 31. See Ap. p. 147.

By the Act of 20th May, 1748, it was provided that all prosecutions for recovery of any fine, penalty or forfeiture must be commenced within six months after the offence committed. No Officer or private of Militia can be compelled to serve this State or the United States more than three months at a time, nor out of the State, upon the requisition of the Executive of any of the United States, more than two months. Act of So. Ca: 24th Sep. 1813. § 1. See Ap. p. 73. Act Congress, 2d Jan, 1795, § 4. See Ap. p. 7.

MUNICIPAL GUARD.

By act of 21st Dec. 1822, (see appendix, page 107,) authority was given to raise a Municipal Guard for the protection of Charleston Neck. This Guard was to be composed of one hundred and fifty men, to guard between the lines and Meeting and King-street.

The old Tobacco Inspection and land were vested in a Board, to be fortified for the use of said Guard. The land on which the lines were built, and afterwards purchased by the State, were also vested in

them, for the purpose of erecting suitable buildings for an Arsenal and Guard House.

The Guard to be enlisted for five years, subject to the rules and articles of the U. S. Army.

The Board consisted of the City Council of Charleston, the Commissioners of the Cross Roads, and certain militia officers—but this Guard was never organized, and the Act has in a great measure been superceded by that of 20th Dec. 1832, (see appendix, page 135.)

The Legislature by that Act, providing for the security of the *State Citadel* (by which name the buildings erected under the former Act are now designated) and Magazine, the Governor was authorized to enlarge the number of the Magazine Guard near Charleston, not exceeding sixty—this Guard in addition to their other duties, is to take charge of the Citadel, for the protection of the arms, &c. therein deposited under the regulations of the Governor. They are exclusively under his orders; he has the appointment and removal of the officers, and the power to prescribe rules and regulations for their Government. They are to perform all duties under his orders, incident to the militia or volunteers of the State. They are to be tried by Courts Martial, composed of their own officers, or of the militia; they are subject to the same regulations, fines and penalties when in service that the militia are.

The officers of this Guard, consist of a Captain, first and second Lieutenant. The Captain is also powder receiver. The pay of the officers and men is fixed by the Governor, that of the former is not to exceed the pay allowed to United States Officers of the same grades.

MUSTERS AND PARADES.

Act of Se. Ca 19th Dec. 1833 § 19. See Ap. p. 145

Company six times a year. The commanding officer of every company or troop, shall assemble his command six times in each year, for drill, exercise, and instruction, and they shall continue on duty not more than one day at each time of assembling.

Regiment once. Every Regiment shall be paraded by its commanding officer once a year, and continue for not more than a day. The Colonel or commanding officer shall assemble all the commissioned and non-commissioned officers on the day preceding the parade, and drill, exercise, and instruct them in the manœvres to be performed by the Regiment. Ibid, § 20.

Colonel to assemble his Officers.

Every Colonel shall attend the muster of each company in his Regiment once a year. Act of So. Ca. 19th Dec. 1833, § 22.

Every Lieut. Colonel and Major shall attend the muster of each company in his Battalion twice a year. See Ap. p. 145.

The Colonels, Lieutenant-Colonels and Majors, besides attending the parade, shall aid in instructing the company. Ibid.

The Captains are required so to arrange their musters as will most conveniently enable the above officers to attend, and should, at the commencement of each year, furnish the officers with a statement of the times, and places at which their respective corps are to assemble. Ibid.

Brigadier. Major-General

Each Regiment shall be reviewed by the Brigadier once at least in every year—and by the Major-General at least once in every two years. § 23, ibid.

Governor.

The Governor may order reviews of any portion of the militia of the State, whenever he judges proper. § 24, ibid.

He is invested with all the powers and authority heretofore provided by law in cases of invasion or threat of invasion—(see INVASION.) Ibid.

Penalties for disturbing parade.

Every commanding officer of a company, or other military body on duty, is empowered to designate certain limits for his parade, and any person intruding in them, or disturbing the parade, may be arrested, and fined in a sum not exceeding ten dollars, and not less than two, and kept under guard for a period not exceeding ten hours. Act of So. Ca. 19th Dec. 1794, § 6. See Ap. p. 38. Act of So. Ca. 19th Dec. 1833, § 40. See Ap. p. 148.

No road which is continually used should be included within these limits, and if the parade is within the city, not more than half the width of any street. Act of So. Ca. 19th Dec. 1794, § 6. See Ap. p. 38.

Fine for not appearing with a good gun.

Every private or non-commissioned officer who does not appear on parade with a gun, in good order, to be fined one dollar, unless he swear that he is unable to purchase or procure one. All other fines for deficiency in equipment abolished. Act of So. Ca. 19th Dec. 1833, § 43. See Ap. p. 149.

Fines, default at company muster, &c.

Every private or non-commissioned officer who does not attend the company muster, to pay two dollars, and twenty per cent on his last general tax. Act of So. Ca. 17th Dec. 1834, § 18. See Ap. p. 157.

For disobedience of orders, or neglect of duty off parade, is liable to be fined not less than three, nor more than twenty-five dollars. Act of So. Ca. 19th Dec. 1833, § 41. See Ap. p. 149.

Fines, disobedience of orders or neglect of duty.

Every commissioned company officer for disobedience of orders or neglect of duty, either on or off parade, is liable to a fine of not less than five, nor § 38. See Ap. p. 148.

more than fifty dollars, besides the other penalties imposed by law

Every Major-General, and Brigadier with their respective Staffs, all Field Officers, and every Officer of the Regimental Staff, for every neglect of duty, either on or off parade, shall be liable to a fine of not less than twenty, nor more than one hundred dollars, in addition to the other penalties provided by law. Act of So. Ca. 19th Dec. 1833, § 37. See Ap. p. 148.

All officers, commissioned or non-commissioned, who neglect attending the meeting convened by the Colonel the day previous to any muster, subjects himself to the same penalty, as for neglect of the Regimental muster itself. Act of So. Ca. 16th Dec. 1815, § 7. See Ap. p. 87. Also Act of Ca. 19th Dec. 1833, § 20. See Ap. p. 145.

Rendezvous. Every company must have a place of rendezvous at which they must assemble. Act of So. Ca. 10th May, 1794, § 9. See Ap. p. 20.

Every Battalion and Regiment will also rendevous at such place as the Brigadier shall appoint. Ibid.

OATHS.

The following Oaths are required in the militia Courts Martial.

Every officer who is a member of a Court Martial, upon taking his seat, shall take the following oath or affirmation, to be administered to him by one of the members of the Court.

Members of Courts Martial "I do swear (or affirm) that I will well, and truly try and determine the case now brought before me, according to law, and the evidence that shall be adduced." Act of So. Ca. 16th Dec. 1815, § 1. See Ap. p. 86.

"And I do further swear (or affirm) that I will not divulge the sentence of the Court Martial, until the same shall be approved of or disapproved, neither will I upon any account, or at any time whatever, disclose or discover the vote or opinion, of any particular member of the Court, unless required to give evidence thereof in a Court of Justice in due course of law—so help me God." Act of So. Ca. 10th May, 1794, § 21. See Ap. p. 26.

Elections. Managers Return. In Elections, the officer holding the same shall swear that he has conducted the Election according to law, to the best of his knowledge and belief, and to the orders he had received from the commanding officer for conducting the same. Act of So. Ca. 20th Dec. 1800, § 7. See Ap. p. 53.

Voters.

The managers are also authorized to administer to any person who offers his vote, the following oath: "You do solemnly swear or (affirm) that you are a resident within this Beat, (or that you are legally and properly enrolled in this company,) that you are liable to do duty therein, and are legally qualified to vote at its Elections—so help you God." Act of So. Ca. 20th Dec. 1800, § 7. See Ap. p. 53.

Officer's oath.

Every officer applying for his commission, must take this oath or affirmation of allegiance and fidelity, according to the Constitution of this State—without which, the commission will be withheld "I do solemnly swear (or affirm) that I will be faithful, and true allegiance bear to the State of South Carolina, and that I will support and maintain to the utmost of my ability, the laws and Constitution of this State, and of the United States." Act of So. Ca. 17th Dec. 1834, § 3. See Ap. p. 154.

This oath may be administered by the officer who is to grant the commission, or by any person who is authorized by law to administer oaths.* Act of So. Ca. 19th Dec. 1833, § 11. See Ap. p. 143.

ORGANIZATION OF THE MILITIA.

The State of South Carolina, whose white population by the census of 1830, is 260,000 persons, Act of So. Ca. 21st Dec. 1814, § 1. See Ap. p. 83.

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*By the fourth article of the Constitution, all public officers were required to take the following oath: "I do swear, or affirm, that I am duly qualified according to the Constitution of this State, to exercise the office to which I have been appointed, and will to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State, and of the United States."

By the Act of 19th Dec. 1794, every militia officer was required within six months after his election, to take the following oath: I, A B, do solemnly swear that I will support and maintain to the utmost of my ability, the laws and Constitution of this State, and of the United States. On these Acts the Appeal Court (Judges Johnson and O'Neal, concurring Judge Harper dissenting,) have decided that the oath prescribed by the 19th Dec 1833, Sec. 10, as well as that prescribed by the Act of 19th Dec. 1794, Sec. 8, is contrary to the Constitution of the State, and null and void, and that the only oath that can be lawfully administered to the militia, is that contained in the fourth Article of the Constitution above quoted. See Ap. p. 143. Do. 39.

Since this decision, the Constitution has been amended, and the oath required by the 10th Section of the Act of So. Ca. 19th Dec. 1833, incorporated in it.—*See Amendment, 6th Dec. 1834, page 202. See also Act of So. Ca. 17th Dec. 1834, Sec. 3. Appendix, page 154.*

of whom about 60,000 are males beyond 15 years of age, capable of bearing arms, is arranged into five military Divisions, each of which is under the command of a Major-General. In 1794, it consisted of but two Divisions, and so continued until 1814, when it was subdivided as at present.

Act of So. Ca. 21st Dec. 1814, § 1. See Ap. p. 83. Act of So. Ca. 10th May, 1794. § 1. See Ap. p. 17.

Each Division is divided into two Brigades—each Brigade into, if convenient, four Regiments,—a Regiment into two Battalions,—a Battalion into four Beat Companies, to which one company of Light Infantry or Riflemen may be added.

Act of Congress, 8th May, 1792. § 3. See Ap. p. 3. Act of So. Ca. 21st Dec. 1814, § 1. See Ap. p. 85.

In addition to this, two Companies of Riflemen or Light Infantry may be raised in each Regiment, provided that not more than two Volunteer Companies of Riflemen or Light Infantry be raised in each Battalion.

Act of So. Ca. 19th Dec. 1833, § 13. See Ap. p. 144. Act of So. Ca. 17th Dec. 1834, § 6. See Ap. p. 154½.

In Charleston there is also a Battalion of Artillery, and the law authorizes a Regiment.

Act of So. Ca. 16th Dec. 1797, § 8. See Ap. p. 46. Act of So. Ca. 19th Dec. 1807, § 1.

To every Regiment in the State, there may be attached an Artillery Company.

See Ap. p. 60. Act of So. Ca. 19th Dec. 1833, § 13.

One troop of horse is required to every Division, but not more than one is allowed to a Regiment. The entire amount of the Cavalry of the State, is not allowed to exceed one eleventh part of the whole Infantry in the State.

See Ap. p. 144. Act of Congress, 8th May, 1792, § 4. See Ap. p. 3. Act of So. Ca. 16th Dec. 1797, § 1.

The Cavalry of the State is arranged into Squadrons and Regiments,—each troop must have not less than thirty, nor more than sixty-four troops besides officers. No horse should be less than fourteen and a half hands high.

See Ap. pp. 45 and 89. Act of Congress, 8th May, 1792, § 4. See Ap. p. 3.

Volunteer Corps of Cavalry may be raised in each Brigade by permission of the commanding officer, to consist of thirty men, subject to being dissolved whenever reduced below twenty-four men in uniform.

Act of So. Ca. 19th Dec. 1815, § 10. See Ap. p. 89

THE FIRST DIVISION

Military organization of So. Ca.

Now commanded by Major-General George M'Duffie—consists of

First Brigade—General Waddy Thompson, Jr.—composed of the 1st, 2d, 3d, 4th, 5th, and 42d Regiments.

Second Brigade—Gen. Wm. A. Bull---composed of 6th, 7th, 8th, 9th, and 10th Regiments; and includes the militia of the four Districts of Edgefield, Abbeville, Pendleton, and Greenvile.

SECOND DIVISION,

Major-General Robert Y. Hayne.

Third Brigade---Gen. Gasper I. Trotti---Regiments, 11th, 12th, 13th, 14th, 15th, and 43d.

Fourth Brigade---Gen. J. Hamilton --Regiments, 16th, 17th, 18th, and 19th---including the Districts of Barnwell, Beaufort, Colleton, Charleston, Orangeburgh and Lexington--excluding the Dutch Fork between Saluda and Broad Rivers.

THIRD DIVISION,

Major-General, John Buchanan.

Fifth Brigade---Gen. J. W. Cantey---Regiments, 20th, 21st, 22d, and 23d.

Sixth Brigade---Gen. T. M'Meekin---Regiments, 24th, 25th, 26th, and 27th---including the six Districts, of Richland, Sumter, Kershaw, Lancaster, Chester, and Fairfield.

FOURTH DIVISION,

Major-General, Robert B. Campbell.

Seventh Brigade---Gen. J. M'Queen---Regiments, 28th, 29th, and 30th.

Eighth Brigade--Gen. E. B. Wheeler--Regiments, 31st, 32d, and 33d---including the seven Districts of Georgetown, Williamsburg, Horry, Marion, Marlborough, Chesterfield and Darlington.

FIFTH DIVISION,

Major-General, Thomas F. Jones.

Ninth Brigade---Gen. J. S. Shelton---Regiments, 34th, 35th, 36th, and 37th.

Tenth Brigade---Gen. J. J. Caldwell---Regiments, 38th, 39th, 40th, 41st, 42d, and 43d---including the five Districts of Union, York, Spartanburg, Newberry and Laurens---including the Dutch Fork between the Saluda and Broad Rivers.

The militia of South Carolina is commanded by the Governor, who is Commander-in-Chief---by five Major-Generals, ten Brigadiers, forty-three Colonels, as many Lieut. Colonels, and as many Majors---making eighty-six commanders of Battalions of Infantry, and one Major of Artillery, besides Regiments of Cavalry.

Constitution of So Ca. Art. 2d § 6. See Ap.p.196.

ia officers.

The military force is arranged under five Divisions, ten Brigades, forty-three Regiments, eighty-six Battalions of Infantry, and one of Artillery.

Each company of Infantry is commanded by a Captain, first and second Lieutenant, and Ensign, four Sergeants, and four Corporals---has a drummer, and fifer, or if a Rifle company, a bugler.

Act of So. Ca. 16th Dec. 1815, § 11. See Ap. p. 89. Act of Congress, 8th May, 1792, § 3. See Ap. p. 3.

The Sergeants and Corporals are appointed by the Captain.

Act of So. Ca. 10th May, 1794, § 9. See Ap p. 20.

If the former refuse to act, subject to a fine of £4, but not compelled to do duty as such for more than one year at a time.

Act of So. Ca. 19th Dec. 1794, § 4 See Ap. p. 38.

A Volunteer Corps, must contain at least forty privates, and cannot exceed one hundred any where in the State, and in Charleston, the number never can be above sixty-four.

Act of So. Ca. 19th Dec. 1833, § 14. See Ap. p. 144. Ibid, § 33. See Ap. p 152.

The Cavalry and Artillery must have at least thirty privates in each company, and cannot exceed sixty-four in any part of the State.

Act of So. Ca. 16th Dec. 1815, § 10. See Ap. p. 89. Act of So. Ca. 16th Dec. 1797, § 1. See Ap. p. 45.

Each Dragoon should have a horse fourteen and a half hands high.

Act of So. Ca. 16th Dec. 1792, § 4. See Ap. p. 3.

Every company is required to parade six times a year for drill and general improvement.

Act of So. Ca. 19th Dec. 1833, § 19. See Ap. p. 145.

Each Regiment once a year.

Act of So. Ca. 19th Dec. 1833, § 22. See Ap. p. 145.

Brigade Encampment.

All the Commissioned Officers of the State are required to be Encamped once in every two years, to acquire camp discipline. Each in his own Brigade, where they are instructed by their Major-General, Brigadier, and by the Adjutant-and-Inspector-General of the State.

Ibid § 27. See Ap. p. 146.

Martial Law.

When in service, the Militia are under Martial Law—the rules and regulations of the Federal Army are prescribed for their government in such case.

Act Con. 2d Jan. 1795, § 4. See Ap. p. 7. Act of So. Ca. 10th May, 1794, § 11. See Ap. p. 21. Act of So. Ca. 24th Sep. 1813, § 7. See Ap. p. 74.

Every Officer is entitled to a copy of the Digest of the Militia and Patrol Laws, and upon his relin-

guishing his Commission, must transfer it to his successor, under a penalty of four dollars, which is to be applied to the purchase of another copy. Act of So. Ca. 19th Dec. 1833, § 48. See Ap. p. 156.

Each Officer should also be furnished with a copy of the system of discipline adopted by the State according to the nature of the military force he commands—whether Infantry, Riflemen, Artillery or Cavalry. § 26. See Ap. p. 146.

trol duty. Every Officer and private in South-Carolina is required to perform Patrol duty in his District or Parish, in addition to his Militia duty. Act of So. Ca. 10th May, 1794, § 29-30. See Ap p 30-31. Act of So. Ca. 17th Dec. 1808, § 6. See Ap. p. 64.

PARADE GROUND.

The Field Officers of the seventh Brigade (now the fourth) residing in the Parishes of St. Philip and St. Michael, are authorized to purchase as much land (not exceeding 300 acres) as they may deem necessary for a Parade Ground, and for this purpose are authorized to raise funds by one or more lotteries. Act of So. Ca. 19th Dec. 1809, § 7. See Ap. p. 70.

The Brigadier of the 7th (now the 4th Brigade) residing in said Parishes, constituted a member and Presiding Officer of the Board. Act of So. Ca. 20th Dec. 1832, § 3. See Ap. p. 139.

utler's duty. The Sutler to furnish a suitable field to exercise the troops on, to be approved of by the Commanding Officer ordering the parade. Act of So. Ca. 19th Dec. 1816, § 10. See Ap. p. 96.

PATROL.

Who liable to 'atrol duty. Every Officer and private of the Militia in the State is liable to perform Patrol duty. Act of So. Ca. 17th Dec. 1808, § 6. See Ap. p. 64.

The Leaders or Captains of Patrol are to be appointed by the Captains of the respective Beats. Act of So. Ca. 18th Dec. 1819, § 3. See Ap. p. 100.

All Aliens whose country is at peace with the United States are liable to Patrol duty, or other persons who own more than ten working negroes on any settled plantation, must keep some person thereon capable of performing patrol duty under penalty of fifty cents per month for each slave. Act of So. Ca. 10th May, 1794, § 24. See Ap. p. 28. Act of So. Ca. 18th Dec. 1819, § 13. See Appendix. pages 103-160.

Females residing on Charleston Neck owning ten slaves above the age of ten years—females having settled farms or a house and lot with five or more slaves above the age of sixteen years on Charleston Neck, are liable to do Patrol duty there. Act of So. Ca. 20th Dec. 1823, § 2. See Appendix, page 112.

In alarms one-fourth of the Militia to remain to perform Patrol duty.

In case of an alarm, or when a draught of the Militia may be necessary, one-fourth shall always remain in the Parish or District, who shall be constantly on Patrol duty until the alarm has ended. No more than three-fourths of the Militia therefore can be drawn from any Parish or District upon any emergency. Act of So. Ca. 10th May, 1794, § 29 and 30. See Appendix, p. 30 and 31.

Should a Militia man who has been draughted, send a substitute, a privilege to which he is expressly entitled, he is also to perform Patrol duty with the Militia of his Beat who remain at home. Ibid. See Appendix, p. 31.

Each Militia Beat to be subdivided by the Captain into Patrol Districts.

The Captain of every Company, under a penalty of thirty dollars, is required to subdivide his Beat into as many Patrol districts as he may judge expedient, always endeavouring to accommodate the citizens as far as practicable, by enrolling in the same squad those in the same neighbourhood. This portion will be permanent until a majority of the Officers of the Company think proper to make an alteration. Act of So Ca. 18th Dec. 1819, § 1. See Appendix, page 100.

Patrol to be detailed by Captain each muster—to ride Patrol at least once a fortnight.

The Captain will on each muster day detail the number and names of the persons of each District, who are to perform duty at least once every fortnight until the next muster. He will also appoint some prudent and discreet person as a Leader of each Patrol, who will assemble his men not only once a fortnight as exacted by the law, but whenever any occurrence in his neighbourhood shall take place calculated to excite enquiry and demand vigilance. Ibid, § 4.

Privates or Leader punishable for misconduct.

The Leader is invested with full power over his men, may place them under arrest for disorderly conduct, and report them to be tried by the Court Martial of the Beat, who will impose a fine of two dollars for disobedience or misconduct. Ibid, § 7. See Appendix, page 102.

Any patrol man, beating a negro who is quiet on his owner's premises, or beyond the same with a lawful ticket, forfeits to the owner fifty dollars, besides liable to an action for damages. Act of So. Ca. 18th Dec. 1819, § 4. See Ap. p. 101.

Should the Commander of the Patrol himself act improperly, any of his men or any other person may report him to the Captain of the Beat. He will order a Court Martial, who may subject him to a fine of five dollars, for the use of the poor. Act of So. Ca. 18th Dec. 1819, § 8. See Appendix, page 102.

Roll—how to be made.

After having districted his Beat, the Captain should have a list made for each district, of every white male inhabitant residing within its limits above the age eighteen. Act of So. Ca. June 17, 1746. See Ap. p. 160. Act of So. Ca. 18th Dec. 1819, § 2. See Ap. p. 100.

Also of every female who owns more than ten working hands in that district—who is liable to *Patrol duty*. Act of So. Ca. June 17, 1746. See Ap. p. 161.

And of every male who is not a resident of the Patrol district, but owns ten working hands within its limits—who is also liable to Patrol duty. Act of So. Ca. 18th Dec 1819, § 13. See Ap. p. 102.

All persons who own ten or more working hands, (and all males between eighteen and forty-five, whether they own slaves or not,) are liable to Patrol duty—also Aliens after six months residence. Act of So. Ca. 10th May, 1794, § 24. See Ap. pp. 98, 103 and 161.

When a female has upon her plantation an Overseer who is liable to duty, she has complied with the law. Act of So. Ca. 17th June, 1740. See Ap. p. 160. Act of So. Ca. 18th Dec. 1810, § 13. See Ap. p. 106.

It is required of the Leader to perform duty at least once a fortnight, and to make a return to the Captain of his Beat of his having so done, under a penalty of twenty dollars. Ibid, § 10. See Ap. p. 102.

Substitutes may be employed.

Every one liable to Patrol duty may send a substitute, who shall be a white man between the age of eighteen and sixty capable of performing the service. Upon neglecting to appear in person or by substitute, he is liable to a fine of two dollars and ten per cent upon the tax on the property in the District where he has neglected his duty, to be applied to the poor of the Parish. Act of So. Ca. 18th Dec. 1819, § 9. See Ap. p. 102.

All persons who have 10 workers, and who do not reside on their plantations 7 months in the year to employ Overseers.

Every owner of a plantation who does not reside thereon seven months during the year, or who shall employ ten working hands or more, shall employ a white man capable of Patrol duty, or be fined fifty cents a month, or six dollars a year for every working negro on his place,—one half of this sum to be paid to the informer, the other half to the State, and to be recovered by indictment. Act of So. Ca. 18th Dec. 1819, § 13. See Ap. p. 103.

Treble costs allowed in case of failure in suits against the Patrol.

Whoever sues a Patrol or a member of Patrol and fails, is liable to the defendant in treble costs. Act of So. Ca. 18th Dec. 1819, § 14. See Ap. p. 104.

Negroes found beyond their owner's plantations may be chastised.

The Patrol is authorized to seize any negro who is met beyond his master's plantation without a ticket, or who is not with some white person, and to correct him not exceeding twenty lashes. Ibid, § 4. See Ap. p. 100.

Patrol abusing negroes liable to damages.

But should any Patrol or any member of a Patrol chastise or beat a negro upon his owner's plantation who has not offered any provocation, or beyond the limits of his owner's plantation who has a ticket, or is with some white person, he is liable to a fine of fifty dollars, to be recovered by action of debt, and is besides liable to action of trespass for damages. § 4. See Ap. p. 101.

To enter disorderly houses or suspected boats, &c.

It is the duty of the Patrol to enter any disorderly house, or any house, vessel or boat suspected of violating the negro act, whether occupied by whites, free coloured persons, or slaves, and to apprehend and correct the slaves not exceeding twenty lashes. It is further their duty to report to the proper authority all white persons discovered in such suspicious situations. Act of So. Ca. 18th Dec. 1819, § 5. See Ap. p. 101.

Articles found to be taken before a Magistrate.

Also to notify any Justice of the Peace, or three Freeholders, of such articles as may have been found there, and should they authorize it, to detain the same until they shall be recovered by law. Ibid.

Negroes not to use fire arms.

No negro shall use fire arms unless in the presence of some white person—or unless he have a ticket or permit from his owner or overseer—or if without a ticket, unless he is employed in hunting game, or mischievous birds or beasts of prey on his owner's lands—or is a watchman in his fields or plantation. Ibid, § 6. See Ap. p. 101

Fire arms so found to be taken before a Magistrate.

The gun in his possession under other circumstances, shall be seized by the Patrol, who within forty-eight hours after shall appear before a Magistrate of the Parish and declare upon oath the circumstances under which the seizure was made. The Magistrate shall then notify the owner, or if he is absent his overseer, of the seizure, and forty-eight hours after he has been notified to shew cause against the forfeiture, the Magistrate shall decide whether the fire arms are forfeited. Should he consider them liable, he shall give the Patrol, or any white person who may have seized the same, a certificate under his seal that it is forfeited and the property lawfully vested in the captor. Ibid.

Any citizen may exercise the power of a Patrol.

Not only is it the particular duty of the Patrol, but any person may correct a slave who is beyond his owner's plantation without a ticket—or should he have a ticket, yet if he should have a gun, a pistol, or any other offensive weapon not specified in the ticket, unless he is with some white person not less than ten years of age, or is upon lawful business, he is liable to be whipped not exceeding twenty lashes. § 11. See Ap. p. 103

Unlawful assemblages of slaves or free negroes to be dispersed by Patrol or citizens.

It is also the particular duty of Patrols, and the authority is given to every citizen to disperse all unlawful collections of negroes or mulattoes, slaves or free, and if difficult of access to remove all obstructions, to break through doors, gates or windows.

No religious assembly to be disturbed before 9 o'clock at night, if the majority of them are whites.

No religious assembly, where the majority are whites, shall be disturbed before nine o'clock at night. Ibid.

Nor any negro in any incorporated Town to be molested before 9 o'clock at night.

Nor shall any negro in an incorporated town in the State be disturbed before nine o'clock at night, unless he is seen in some unlawful act. Act of So. Ca. 18th Dec. 1819, § 14. See Ap. p. 106.

The Secretary of State was required to have a sufficient number of copies of the Patrol Law printed and distributed among the Colonels, whose duty it was to distribute them among their respective Commissioned Officers—and it is their further duty to see that the Captain of every Company has this Act read to his Company at least once in every six months. § 15. See Ap. p. 104.

By various Acts of the Legislature several of the incorporated towns of the State are invested with the power of regulating a Patrol within their respective precincts.

Incorporated Towns which are invested with the power to regulate the Patrol within their limits.

1. In the city of Charleston, the duty is performed by the City Guard.

2. Georgetown, by the Act of 19th December, 1805, Section 6.*

3. Camden, by the Act of 18th December, 1818, Sections 1 and 2, and by the Act of 18th December, 1830. See Ap. p. 164.

4. Moultrieville, by the Act of 14th December, 1819, Section 1. do. 165.

5. Columbia, by the Act of 20th December, 1823, Section 1. Ibid.

6. Yorkville, by the Act of 18th December, 1824, to establish certain Roads, Bridges and Ferries, Section 31. See Ap. p. 166.

7. Beaufort, by the Act of 20th December, 1825, Section 2. do. Ibid.

8. Walterborough, by the Act of 20th December, 1826, Section 5. do. Ibid.

9. Hamburg, by the Act of 19th December, 1827, Section 7.†

10. Barnwell, by the Act of 18th December, 1829, Section 5. do. Ibid.

11. Edgefield, by the Act of 18th December, 1830, Section 5. do. 167.

12. Lancaster, by the Act of 18th December, 1830, Section 5. do. Ibid.

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* In the Act of Incorporation of Georgetown, this power is not expressly given, but seems to arise from the general power for the "regulation of seamen, boatmen, and disorderly people, slaves, free persons of colour," and authority in general to make "every other bye-law and regulation that shall appear to them (the Town Council) requisite and necessary for the health, security, welfare, good government and convenience of the said Town."

† The Act of Incorporation of Hamburg, has precisely the same enactment as the above.

13. Spartanburg, by the Act of 17th December, 1831, Section 5. do.

14. Greenville, by the Act of 17th December, 1831, Section 5. do. 168.

15. Orangeburg, by the Act of 17th December, 1831, Section 6. do. 167.

16. Abbeville, by the Act of 20th December, 1832, Section 5. do. 168.

17. Pendleton, by the Act of 20th December, 1832, Section 5. do. Ibid.

18. Newberry, by the Act of 20th December, 1832, Section 6. do. 169.

19. Winnsborough, by the Act of 20th December, 1832, Section 5. do. Ibid.

20. Anderson, by the Act of 19th December, 1833, Section 4. do. Ibid.

Patrol of Charleston Neck and of the City may continue the pursuit of fugitives beyond their respective limits.

To prevent collision of authority it is provided, that the Patrol of Charleston Neck, or the City Guard of Charleston may pursue and arrest slaves or free negroes who may fly beyond the division line of the City and the Neck.* Act of So. Ca. 21st Dec. 1822, § 2.

What an unlawful assemblage is.

All assemblages of slaves or free negroes, though white persons be among them, which shall be held in any confined or secret place, or where the doors or gates shall be barred and closed to prevent ingress or egress, or held for mental instruction are unlawful. It is the duty of all Patrols, and also of all Magistrates, Sheriffs, and Militia Officers to enter such places and disperse the negroes, whether free or slaves, and inflict a chastisement not exceeding twenty lashes. Act of So. Ca. 20th Dec. 1800, § 1. See Ap. p. 49.

They are also authorized to command the assistance of any citizen they may deem requisite, and to break doors and overthrow any obstructions that may be opposed. Ibid.

If without the city of Charleston, the Officer dispersing such assemblage may arrest any such negroes, and place them under the care of any Constable, who is directed to carry them before the next Ibid.

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* Act of South-Carolina, 21st December, 1822, Section 2. *Be it further enacted*, That no clashing of jurisdiction may arise between the City Council of Charleston and the Commissioners of Charleston Neck from fugitives fleeing over said line on either side from justice, that it shall be lawful for the Patrol of the Neck, or the City Guard of Charleston, to pursue and arrest any slaves or persons of colour who may take refuge or flee on either side of said line, as above described. —(That is to say, the boundary line of the city.)

Magistrate, and he is empowered to inflict upon the offender corporal punishment, which, however, is not to exceed twenty lashes.

No negroes, free or slaves, though in the presence of white persons, shall assemble for worship before sun rise—nor after nine o'clock at night. Act of So. Ca. 20th Dec. 1800, § 3. See Ap. p, 50.

All persons for executing the provisions of this Act are entitled to treble costs should the verdict be in their favour. Ibid, § 4. See Ap. p. 50.

Patrol book to be prepared and preserved in the custody of the Clerk of each company

The Clerk of each Company shall make out and keep a book in which shall be inserted the limits of each Patrol district, so that each person may know his district. Act of So. Ca. 17th June 1746, § 1. Condy, p. 118. 2d Brev. Dig. p 106.

Every member of the Patrol has a right to inspect the Patrol books of his Beat.

Every member of the Company, or any other person subject to Patrol duty within the limits of the Beat, is authorized to inspect the book whenever he wishes any information it may furnish. Ibid.

Arms of Patrol.

Every member of a Patrol, whether a substitute, or the original party who is liable, shall arm himself with a good gun, or pistol, a cartridge box with at least six cartridges, and a cutlass, and if deficient in any such arms or ammunition is to be fined twenty shillings currency, which is about sixty-two and a half cents. 2d Brev. Dig. p. 108.

Negro houses to be searched for arms and ammunition.

The Patrol are required to search negro houses for arms and ammunition, and should any such be found, the Patrol shall proceed as directed by the Negro Act of 10th May, 1740, that is, the Leader of the Patrol shall within forty-eight hours carry the same to the next Magistrate, who shall summon the owner of the negro in whose house these prohibited arms were found, to shew cause why they should not be forfeited,—upon the owner's failing to do so within forty-eight hours after being legally summoned, they shall be declared the legal property of the captors. Act of So. Ca. 17th June 1746, § 7 2d Brev. Dig. p. 108 Grimke's Public Laws p 136. Act of So. Ca. 10th May, 1746. 2d Brev. Dig. p. 109. Act of So. Ca. 17th June 1746.

Patrol sued to plead the general issue, &c.

Any person sued for enforcing the Patrol law shall plead the general issue, and give the Act and special matter in evidence.

Patrol exempt from Ferriage.

All who are in performance of Patrol or Militia duty are exempt from Ferriage. Act of So. Ca. 17th Dec. 1813, § 32. See end of Digest.

Penalty to exact toll from Patrol.

All the keepers of Ferries established by law are required to transport those who are exempt from toll in the same manner and as expeditiously as those who are chargeable. Act of So. Ca. 17th Dec 1824, § 8. See end of Digest. Act of So. Ca. 19th Dec. 1807, § 25. See end of Digest.

Penalty to exact toll from Patrol.

Should the keeper of any Ferry, or his agent, exact ferriage of any Patrol, or any other person who is exempt, he is subject to a penalty of ten dollars, to be recovered by the next Magistrate.* Act of So. Ca. 20th Dec. 1823. § 16. See end of Digest.

PATROL ON CHARLESTON NECK.

That portion of the inhabitants of the Parish of St. Philip, residing upon Charleston Neck, obtained a special Act in 1823, to regulate their Patrol. Act of So. Ca. 20th Dec. 1823. See Ap. p. 112.

Charleston Neck consists of all that part of St. Philip's Parish, which is North of the incorporated limits of Charleston—extends about five miles from South to North, and from Cooper to Ashley rivers. The population is numerous, and as the negroes are in perpetual intercourse with those of the city, more rigid regulations are necessary than in the country Parishes.

Patrol Districts to be made.

It is made by this Act the duty of the militia officers of the Neck, to divide their company into such convenient Patrol Districts, as shall be approved of by a majority of them, and this Division to continue until altered by a majority of the officers. Each officer is subject to a fine of thirty dollars for neglect of this duty. This penalty is to be recovered before any Court of competent jurisdiction, to be paid to the Commissioners of Cross Roads of the Neck, and to be appropriated to the improvement of these roads. § 1.

Penalty—how to be appropriated.

Roll for each District.

To each Patrol District a roll must be prepared under the order of the officers, including all white male inhabitants within that District, who are between eighteen and sixty years. § 2.

Persons liable to patrol duty.

All females who own ten negroes above ten years old. Ibid.

And all persons having settled farms, or a house and lot, with five or more negroes above 16 years. Ibid.

All the above white persons are liable to patrol duty in person, or by substitute. Ibid.

Exempts.

But all Ministers of the Gospel, of whatever denomination are exempt. Ibid.

The Judges of the Courts of the United States are also exempt by a decision of our State Court of Appeals, March 24th, 1329. See Ap. p. 100, note.

Leaders to serve two months.

It is the duty of the officers once in every two months, to appoint in each Patrol District a discreet citizen, as the commander or leader of the patrol in his District, and he shall continue in service for two Act of So. Ca. 20th Dec. 1823, § 3. See Ap. p. 112.

* For the laws relating to Ferries, see end of this Digest.

months—but shall not be required to act as leader more than once in a year. Should the officers neglect making these appointments, or should the persons appointed refuse accepting, or neglect their duty, they shall each be fined twenty dollars, to be recovered in any Court of competent jurisdiction, and paid to the Commissioners of Cross Roads for the improvement of the Roads.

Penalty.

These appointments must be made in writing by the commanding officers. Ibid.

Duty.

Patrol duty must be performed at least twice in every month. § 4. See Ap. p.113.

Power.

They shall arrest all slaves beyond the limits of their owners premises, and all free negroes not within their own residences, unless such slaves and free negroes have tickets, and may correct them if they deem it necessary, not exceeding twenty lashes. Ibid.

Penalty fifty dollars, and damages for malfeasance.

Should any member of the patrol abuse or ill treat a negro, he shall forfeit fifty dollars, to be recovered by action of debt, and in addition, shall be liable to an action of tresspass for damages.

Powers of the patrol.

This Patrol is authorized to enter and examine all disorderly houses, and break open doors and windows, and remove all obstructions that may prevent their examination, also to enter and examine any boat or vessel, in which they may suspect any negro is harboured, or the persons who may be found there trafficking with negroes, and to apprehend and either commit such negro, or correct him (not exceeding twenty lashes.) Ibid, § 5. See Ap. p.113.

Should they find white persons or persons of colour in such place trafficking with slaves, they are authorized to give information thereof to any magistrate, and to deliver to him such produce or articles for trafficking as may be found in such house, vessel, boat or place, whereupon the magistrate will proceed as in such case is provided for by the laws of 1819 and 1746. Summon the parties interested, and should they not appear, or not afford sufficient explanation, declare the articles forfeited to the patrol or captors. Ibid.

Duty of the leader to preserve subordination.

Every leader is authorized to preserve the utmost subordination in his command, and should any of his men be disorderly, he should arrest them, and report them to the proper Court Martial, who are authorized to inflict upon them each a penalty of two dollars. § 6. See Ap. p.113

Fines.

How appropriated.

The fine is to be paid to the Commissioners of Cross Roads for Charleston Neck, and by them to be appropriated to the improvement of the roads. § 1. See Ap. p.112.

Defaulters are to be tried by the Court which tries defaulters at Company, Battalion and Regimental Musters, and which sits once in every four months, three times a year. Act of So. Ca. 19th Dec. 1833, § 30. See Ap. p. 146.

Misconduct of Leader to be punished. Should any leader of patrol conduct himself improperly, he may be reported to his captain by any of his men or other citizen, who will report him to the Court Martial, by which he may be fined ten dollars—this sum also to be paid the Commissioners of Cross Roads for the benefit of the Roads. Act of So. Ca. 20th Dec. 1823, § 7. See Ap. p. 114.

Substitutes. Every citizen of Charleston Neck, who is liable to patrol duty, is privileged to send a substitute, who must be an efficient white man between eighteen and sixty years. § 8, Ibid.

Penalty for not appearing. All who neglect to appear personally, or by substitute, are liable to a penalty of two dollars, and ten per cent on the tax of the preceding year for their property on the Neck. Ibid.

Return to be made every two months. Every leader is required to make a return once in every two months, upon oath to the Captain, of the manner in which he has performed patrol duty, under a penalty not exceeding twenty dollars. Ibid. § 9.

Penalty.

Slaves or Free Negroes after certain hours liable to correction. No free negro or slave shall be without his own enclosure, or that of his owner, at any time from 20th Sept. to 20th March, after 9 o'clock—or from the 20th of March to 20th Sept. after 10 o'clock at night. Should they be met, and the slave not have a ticket from his owner, or the free negro not one from his guardian, they shall be liable to be arrested, and corrected not exceeding twenty lashes. § 10. See Ap. p. 115.

No shops selling liquor after 9 in winter or 10 in summer, or on Sunday. No grocery store, retail shop, or any other place upon the Neck, where spirituous liquors are sold, shall be opened for the purpose of traffic after nine o'clock at night, at any time between 20th Sept. and 20th March, nor after 10 o'clock at night, at any time between 20th March and 20th Sept., nor on the Sabbath day. Ibid, § 11.

Penalty fifty dollars. Any one transgressing, is liable to a penalty of fifty dollars, to be recovered before a competent Court, for the benefit of the roads on the Neck. Ibid.

Arms of Patrol. Penalty $2 and 10 per cent on tax on Neck. Every member of the patrol shall supply himself with a good gun or pistol, with six ball cartridges, or with a good cutlass, under the penalty of two dollars, and ten per cent on his State Tax of the preceeding year, on his property within the limits of Charleston Neck. Ibid, § 12.

Commissioners of Roads to appropriate fines and forfeitures.

All fines are to be paid over to the Commissioners of the Cross Roads of Charleston Neck, and by them appropriated to the improvement of its roads. Act of So. Ca. 20th Dec 1823, § 13, ibid. See Ap. p. 115.

The Commissioners are authorized to prosecute any action for recovery against any person who refuses to pay over any fine, or to deliver any article or forfeiture appropriated to the use of the Cross Roads.

Secretary.

The Captain of each company shall appoint a Secretary, who shall keep a book, in which shall be entered whatever relates to the patrol of the neck. Every one interested is entitled to examine these records for information. For this service the Secretary is exempt from patrol duty. § 14, ibid.

Exempts.

Also the persons who summon exempt.

The leader of each patrol is authorized to appoint one of his men to summon the patrol, and to extend all orders to them, for which services he also is exempt from ordinary patrol duty. § 15, ibid.

Notice of unlawful meetings to be communicated to the leader.

Penalty twenty dollars.

The commanding officers of the companies, and all Magistrates on Charleston Neck, are required to notify the leaders of the patrol of any unlawful assemblage of negroes of which they may know. The leader shall immediately turn out his patrol to execute the law, and should he neglect so to do, he is subject to a penalty of twenty dollars, to be paid to the Commissioners of the Neck for the improvement of the Roads. § 16, ibid.

Persons suing and failing, liable to treble costs.

All persons suing the patrol, and not recovering any damages, are liable to treble costs. § 17, ibid.

PAY.

Pay of the Militia when in U. S. service.

The Militia of this State, when called into service and embodied by the laws thereof, to have same pay, rations and forage as are allowed to the troops of the United States, so long as they remain in such service.* Act of So. Ca. 24th Sep. 1813, § 5. See Ap. p. 74.

Duration of pay.

To commence from the day of appearance at the places of the Battalion, Regimental or Brigade rendezvous; a day's pay and rations allowed for every fifteen miles from home and back again from the place of discharge. § 6, ibid.

PAYMASTERS.

Act of So. Ca. 13th Dec. 1815, § 2. See Ap. p. 91.

PAYMASTER-GENERAL,

Appointment.

Appointed by the Governor,

* See end of this Digest for the Pay, &c. of the U. S. army.

Rank.	Ranks as Lieutenant-Colonel.	Act of So. Ca. 13th Dec. 1815, § 2
Duties.	Intrusted with the pay of the Milita. Attached to the suite of the Governor and subject only to his orders.	See Ap. p 91. General Orders under the 5th Sec. of the above Act.
	PAYMASTER-DIVISION.	See Ap. p. 163.
Appointment and duration of office.	Appointed by the Major-General, and to continue in office during his pleasure.	Act of So. Ca. 19th Dec. 1833, § 35. See Ap. p. 147.
	PAYMASTER-BRIGADE.	
Appointment and duration of office.	Appointed by the Brigadier-General, and to continue in office during his pleasure.	Ibid.
	PAYMASTER-REGIMENTAL.	
Appointment.	Appointed by Lieut. Colonel,* to be approved of by the Brigadier, and commissioned by the Governor.	Act of So Ca, 10th May, 1794, § 7. See Ap. p. 20.
	PAYMASTERS.	
Fines, to whom to be paid.	All fines imposed by any Court Martial to be paid over to the proper Paymasters, that is to say, fines imposed by Division and Brigade Courts Martial to be paid over to the Paymasters of such Division or Brigade respectively; and to be disbursed by order of the Major-Generals or Brigadier-Generals for the use of the Division or Brigade respectively in which they may have been imposed. Fines imposed by any Regimental or Company Court Martial to be paid over to the Regimental Paymaster, to be appropriated by a majority of the Field Officers or Commissioned Officers of the corps, or Commanding Officer of the Company or Troop, to the purchase of colours, musical instruments, payment of expresses, and providing arms and accoutrements for such of the men of their several commands as are unable to furnish themselves. He is to render annually to the Commanding Officer of the Brigade an account of his disbursements under this Act.	Act of So. Ca. 19th Dec. 1833, § 35. See Ap. p. 147. Act of So. Ca. 10th May, 1794, § 20. See Ap. p. 25.
Fines, how to be appropriated.		
Paymaster to render annual account.		
To give bond and security.	To give bond with security to the State for one thousand dollars, to be lodged with the Clerk of the Court of the District in which he resides. He is al-	Act of So. Ca. 19th Dec. 1833, § 36. See Ap. p. 148

* Previous to the Act of 16th Dec. 1815, the commanders of Regiments ranked only as Lieutenant-Colonels; that Act established their Rank as Colonels. Therefore, whenever the term Lieutenant-Colonel occurs in those Acts which bear anterior date to the one above named, it must be considered as having reference to commanders of Regiments, who now rank as Colonels; consequently the appointment in this case is with the Colonel. *Act of So. Ca. 16th Dec. 1815, Sec. 11. See Appendix, page 89.*

Compensation lowed ten per cent on all moneys collected by him, and to account at least once in twelve months, and oftener if required by the proper Officer. Act of So. Ca. 19th Dec. 1833, See Ap. p.148.

Accounts subject to inspection. His accounts to be subject to the inspection of the Brigadier-General, Major-General and Governor.

Penalty for not accounting when ordered. Liable to a fine of not less than ten dollars nor more than one hundred for neglecting to account when ordered by the proper Officer, to be imposed by a Court Martial. § 42. See Ap. p.148.

PENSIONS.

Militia wounded in U. S. or State service to be provided for. Any Officer or soldier wounded or disabled in the actual service of the United States, or in the service of the State, in opposing or suppressing invasion of or insurrection in the same, to be taken care of and provided for at the public expense. Act of Congress, 8th May, 1792, § 9. See Ap. p 4. Act of So Ca. 10th May, 1794, § 12. See Ap. p. 21.

PHYSICIAN AND SURGEON-GENERAL.

Appointment and rank. One to be appointed with the rank of Lieutenant-Colonel by the Governor. Charged with the government of the Hospital and regulating the duties of the Surgeons and their Mates. Attached to the suite of the Commander-in-Chief and subject only to his orders. Act of So. Ca. 13th Dec 1815, See Ap p. 91. General order under 5th Section of above act. See Ap. p.163.

PRESIDENT OF THE UNITED STATES.

Invasion—Militia to be called out. When the United States shall be invaded, or in imminent danger of invasion, it shall be lawful for the President to call forth the Militia of the State or States most convenient to the place of danger to repel such invasion. Act of Con. 2d Jan. 1795, § 1. See Ap. p. 6.

Also in case of Insurrection In case of insurrection in any State *against the Government thereof*, it shall be lawful for the President, on application of the Legislature or the Executive, to call forth the Militia of any other State or States to supress the same. § 2, ibid.

And also in case of combinations. Whenever the execution of the laws of the United States shall be obstructed by *combinations* too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals, it shall be lawful for the President to call forth the Militia of such State, or of any other State or States to suppress such combinations. The use of such Militia may, if necessary, be continued for thirty days after the adjournment of the then next Session of Congress. Before he can use this power, ibid.

To issue a Proclamation.

the President must, by Proclamation, command such insurgents to disperse and return peaceably to their homes after a limited term.

PRIVATES OF INFANTRY, CAVALRY AND ARTILLERY.

Enrolment.

Every able bodied white male citizen of the several States, between the ages of eighteen and forty-five years, was required to be enrolled in the militia within twelve months after the passing of the Act of Congress, "*more effectually to provide for the national defence, by establishing an uniform militia throughout the United States,*" and all who after that period should arrive to the age of eighteen years or come to reside within any company bounds, are required to be enrolled by the Captain of such company. Notice must be given to the party of such enrolment. Within six months after such notice, he must provide himself with a good musket or firelock, a bayonet and belt, two spare flints and a knapsack, a pouch with a box therein, to contain not less than twenty-four cartridges, suited to the bore of his gun, each cartridge to contain a proper quantity of powder and ball, or with a good rifle, knapsack, shot pouch and powder horn, twenty suitable balls, and a quarter of a pound of powder. He is to appear thus accoutred for service or exercise, in the latter case, the knapsack may be dispensed with—summons to appear at a muster is a sufficient notice of enrolment.

Act of Congress, 8th May, 1792, § 1. See Appendix, page 2.

Notice of enrolment,

Equipment.

Act of Congress, 2d March 1803, § 2. See Ap. p 9. Act of So. Ca. 10th May, 1794, § 10. See Ap. p. 21.

Act of Congress, 8th May, 1792, § 9. See Ap. p. 4. Act of So. Ca. 10th May, 1794 § 12. See Ap. p. 22.

Any private wounded in the service of the United States or this State to be taken care of at the public expense.

Pay, &c.

When in service of the United States, entitled to the same pay and rations as the United States Troops; to commence from the day of appearing at the rendezvous—a day's pay and ration allowed for every fifteen miles travelling to the rendezvous, and home from the place of discharge.

Act of Congress, 8th May, 1792, § 2 and 3. See Ap. p. p. 5 and 6.

Disobedience of orders.

Failing to obey the orders of the President of the United States when in service thereof, to forfeit one years pay in default of payment, to suffer one month's imprisonment for every five dollars of such fine.

Act Congress, 2d Jan, 1795, § 5. See Ap. p. 7.

When in service of the United States, and condemned to the payment of a fine, the same shall be

Act Congress, 2d Jan. 1795, § 7. See Ap. p. 7.

levied with costs on his goods by the Marshal, and the sale to be conducted in the same manner as by the laws of the State, in which the same shall be pursued in other cases of distress. And where no goods can be found, he is to be committed to gaol during the term for which he is adjudged to be imprisoned, or until the fine be paid.

Execution.

Disputes that may arise with respect to the age or ability of any one to bear arms, to be determined by the commanding officer of the company, with a right of appeal by the person aggrieved, or by any one belonging to the company, to the commanding officer of the Regiment.

Liability to bear arms how decided.

Act of So. Ca. 10th May, 1794, § 1. See Ap. p. 21.

Ibid, § 11. See Ap. p. 21.

Not compelled to do duty out of the State more than two months at a time, and when called out, to have same pay and rations as U. S. troops, and subject to same regulations.

Limitation of service out of the State.

Act of So. Ca. 24th Sep. 1813, § 1. See Ap. p. 73. § 5. See Ap. p. 74.

All offences against the rules and regulations of the Federal Army by a militia man, to be tried by a militia Court Martial of this State. It is in the power of the Governor or commanding officer of the militia of this State, to mitigate, suspend or pardon any militia man sentenced by a general Court Martial.

To be tried by Court Martial.

Act of So. Ca. 10th May, 1794, § 11. See Ap. p. 21.

No civil process can be executed on any one compelled to bear arms.

Not liable to suit.

Ibid. § 16. See Ap. p 23.

Private liable to a fine not exceeding £1 for every neglect or refusal to obey the order of his officer while under arms.

Fine for disobedience of orders, and not being equipped.

Act of So. Ca. 10th May, 1794, § 18 See Ap. p. 24.

Appearing on parade without a gun in good order for service, to be fined $1—unless he swear that he is unable to purchase one.

Act of So. Ca. 19th Dec. 1833, § 43. See Ap. p. 149.

Neglecting to ride patrol and disobedience of orders of the commander of said patrol in times of invasion or insurrection, when the militia have been called from the Parish or District, subjects the offender to a fine not exceeding £15 sterling.

Fine for not riding patrol in time of invasion, &c.

Act of So. Ca. 10th May, 1794, § 29. See Ap. p. 30.

Liable to be draughted in times of invasion, rebellion or insurrection, but may send an approved substitute.

May be draughted, may send a substitute.

Act of So. Ca. 10th May, 1794, § 30. See Ap. p. 31.

Those not draughted, to remain at home and do patrol duty.

A private in any Volunteer Corps of Cavalry, Infantry or Artillery, disposed to resign from such Corps, must give six months previous notice thereof—and must enrol himself in the beat in which he resides, or some other Volunteer Corps of the Regi-

Six months notice of resignation.

Act of So. Ca. 20th Dec. 1800, § 3 See Ap. p. 52.

ment to which he belongs, and produce a certificate of such enrolment before he will be permitted to leave the uniform Corps to which he originally belonged. Act of So. Ca. 10th May. 1794, § 34 See Ap. p 32.

Fine for not serving as a Sergeant.

If a private be appointed a sergeant, and refuse to act, subject to a fine of £4, but not compelled to serve more than one year at a time. Act of So. Ca. 19th Dec. 1794, § 4. See Ap. p. 38.

May be sworn when offering to vote.

A private may be required on offering to vote, to swear that he is a resident in the company, beat, or is otherwise properly enrolled therein, and is then liable to do duty in that company according to law. Act of So. Ca. 20th Dec. 1800, § 7. See Ap. p. 53.

Right of appeal.

May appeal from the decision of any Court Martial imposing a fine upon him to the field officers of his Regiment (within fifteen days,) the decision of a majority is final and conclusive. Act of So. Ca. 19th Dec. 1809, § 5. See Ap. p. 69.

Privileged from suits for thirty days.

No civil process can be served upon any one called out into actual service and embodied, nor within thirty days after his discharge, nor can any levy or distress be made for that time on his goods. Act of So Ca. 24th Sep. 1813, § 3 and 4. See Ap p. 74.

Pay, &c.

When called and embodied in the service of the State, entitled to the same pay and rations as the U. S. Troops.* Ibid, § 5.

Subject to regulations of U. S. Troops.

When in service in or out of the State, to be subject to the same rules and regulations as the U. S. Troops. Ibid, § 7.

Fine for not appearing when called into service. What is notice.

Whenever a private is called into the service of this State, or a sister State, and does not appear at the rendezvous, he is liable to a fine of $500, and the amount of his last taxes to the State. Notice in writing signed by a non-commissioned officer, and left at his usual place of residence, is sufficient notice to appear at the rendezvous. Act of So. Ca. 24th Sep. 1813, § 8 and 9. See Appendix, page 75.

Appeals must be sworn to.

A Private in making an appeal from a Court Martial, must accompany the same by affidavit that he could not attend the Court, and that he does not appeal for the purpose of delay. Act of So. Ca. 16th Dec. 1815, § 3. See Ap. p. 86. Act of So. Ca. 17th Dec. 1834, § 1 See Ap. p. 154.

Right to vote for Field and Company Officers.

Entitled to vote for Colonels, Majors, and company officers, in the Regiment, Battalion or company to which he belongs as the case may be, provided he has been a resident of the State six months next preceding the election. Act of So. Ca. 19th Dec. 1816, § 2. See Ap. p p. 94 and 95. Act of So. Ca. 19th Dec. 1833, § 8. See Ap. p. 142.

Fine on Fire Guard.

Not attending in cases of alarm from fire or parade for relieving and mounting fire guard, subject to the same fine in each case, as absence from a Act of So. Ca. 18th Dec. 1829, § 2. See Ap. p. 123.

* *For pay, &c. of U. S. Troops, see end of this Digest*

regimental parade—and to be proceeded against in the same manner with a right of appeal. Act of So. Ca. 17th Dec. 1834, § 21. See Ap. p. 157.

for ab- from re- tal and any r.

Liable to a fine of $3, and 50 per cent on his last general tax, for neglecting to turn out at a regimental muster. Act of So. Ca. 17th Dec 1808, § 4. See Ap. p. 64.

And $2 and 20 per cent on his last general tax, for non-attendance at a company muster. Act of So. Ca. 17th Dec. 1834, § 18. See Ap. p 157.

nd in g.

He may send his excuse to the Court Martial, sworn to before any commissioned officer of his company, unless he be specially summoned to attend the Court in person. Act of So Ca. 19th Dec. 1833, § 30. See Ap. p. 147. Act of So Ca. 17th Dec. 1834, § 2 See Ap p. 154.

edience ers, y.

He is liable to be put under arrest for disobedience of orders, or disorderly conduct while on parade, and to be fined not less than $2, nor more than $10, execution may be issued immediately as in other cases, and he may also be imprisoned not exceeding ten hours. Act of So. Ca. 19th Dec. 1833. § 40. See Ap. p. 148.

val.

Removing from one beat to another, must report himself within thirty days after his removal, to the officer commanding the beat from which he has removed, (and to the commanding officer of the beat to which he has removed) or be fined $5, besides being liable for default of duty in the beat he left. Act of So Ca. 19th Dec. 1833, § 44. See Appendix, page 149.

to pat- ty.

He is liable to patrol duty under the officer in whose beat he resides. Act of So. Ca. 17th Dec. 1808, § 6. See Ap p. 64.

ment of ons.

Each Dragoon must furnish himself with a serviceable horse, at least fourteen and a half hands high, a good saddle, bridle, mail-pillion, and valise, holsters and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, a cartouch box, to contain twelve pistol cartridges. Act of Congress, 8th May, 1792, § 4. See Ap. p. 3.

or horse.

In addition to their monthly pay while in service, they are allowed 40 cents per day for the use and risk of their several horses, arms and accoutrements, except horses killed in action. Act of Congress, 8th May, 1792, § 2. See Ap. p. 5.

iteers of ry—lim- i of.

Volunteers in the Cavalry are limited to their respective brigades, except otherwise ordered by the Governor. Act of So. Ca. 16th Dec. 1797, § 4. See Ap. p. 45.

i in ser- horses to praised. inifica- or injury to them.

Whenever called into actual service, the horses of the Dragoons are to be appraised by the Brigade inspector and two freeholders, which is to be entered in a book to be kept by the former. The owner is to receive the same indemnification, and no other Act of So. Ca. 16th Dec. 1797, § 5. See Ap. p. 46.

for the loss or injury of his horse, as may be established in like cases in the militia in the service of the United States for the time being.

In all other respects, they are governed by the same laws and regulations as the Infantry. Act of So. Ca. 10th May, 1794, § 34. See Ap. p. 32.

Matrosses. PRIVATES OR MATROSSES in the *Artillery*, are likewise governed by the same rules and regulations. Act of So. Ca. 16th Dec. 1797, § 12. See Ap. p. 47.

QUARANTINE.

To be enforced by arms. The Governor, or other officer intrusted with the execution of the quarantine laws, in case of violation or attempt to violate the same, is authorized to cause the vessel to be boarded by force of arms, fired upon and detained.* Act of So. Ca. 15th Dec. 1797, § 7. See Ap. p 48. Do 20th Dec. 1832, end of this Digest.

QUARTER-MASTER-GENERAL.

Appointment. Quarter-Master-General appointed by the Governor. Act of So. Ca. 13th Dec. 1815, § 1 and 4. See Ap. p. p. 91 and 92.

Rank. Ranks as Colonel.

His duties comprise quartering and transporting troops and their provisions—safe keeping military material, superintendance of Arsenals, Magazines, barracks and forage in depot, opening roads and repairing bridges for military purposes. He is attached to the suite of the Commander-in-Chief, subject only to his orders, and to be obeyed by the officers of his Department only. General orders under 5th Sec. of above Act. See Ap. p. 162.

Required to report on the arms. Required to report annually to the Legislature, the number and kind of arms he distributes, and the distributees names, as well as such information he may possess or procure in relation to the public arms. Resolution 20th Dec. 1823, See end of this Digest.

His department. His Department to consist of five Division or Deputy Quarter-Master-Generals—to rank as Major, one for each Division, and ten Brigade or Assistant Deputy Quarter-Master-Generals to rank as Captains, one for each Brigade. Act of So. Ca. 13th Dec. 1815, § 1. See Ap. p. 91.

QUARTER-MASTER-GENERAL—DIVISION.

Appointment. One to each Division, appointed by the Commander-in-Chief. Act of So. Ca. 13th Dec. 1815, § 1 and 4. See Ap. p. p. 91 and 94.

* See Quarantine Laws at length end of this Digest.

Rank. Ranks as Major.

Duties. Duties same as Quarter-Master-General. They are to obey his orders touching the duties of the Department. They are attached to the suite of the Major-General. General orders under 5th Sec. of above Act. See Ap. p. 162.

In suite of Major-General

QUARTER-MASTER-GENERAL—BRIGADE.

Appointment. One to each Brigade, appointed by the Commander-in-Chief. Act of So. Ca. 13th Dec. 1815, § 1 and 4. See Ap. p. p. 91 and 92.

Rank. Ranks as Captain.

Duties. Duties same as Quarter-Master-General. They are to obey his orders touching the duties of the Department. They are attached to the suite of the Brigadier-General. General orders under 5th Sec. of above Act. See Ap. p. 162.

In the suite of the Brigadier-General.

To visit Arsenals, and report to Quarter-Master-General. Required once in every year to visit the Arsenals within their Brigades, and report thereon to the Quarter-Master-General. Act of So. Ca. 16th Dec. 1815, § 15. See Ap. p. 90.

QUARTER-MASTER—REGIMENTAL.

Appointment. One to each Regiment, appointed by the commanding officer of the Regiment, with the approbation of the Brigadier-General, and to rank as Lieutenant. Act of So. Ca. 10th May, 1794. § 7. See Ap. p. 20.

Duties The duties of this officer not prescribed by law, but depend on military usage.

RANK OF OFFICERS.

According to date of Commissions. When of equal grade, the rank to be determined by lot, before the commanding officer of the Brigade, Regiment, Battalion, Company, or Detachment. Act of Congress, 8th May, 1792 § 8. See Ap. p. 4.

Rank of officers elected by Legislature in the December Session, 1793, defined. Act of So. Ca. 19th Dec. 1794, § 1. See Ap. p. 37.

Equal rank how decided. In all cases where two officers hold commissions of equal grade, and entitled to rank on the same day, the seniority shall be determined by lot, according to the Act of Congress of 8th May, 1792, and Act of South Carolina, 19th December, 1794, although their commissions may have been issued on different days. Act of So. Ca. 19th Dec. 1807, § 2. See Ap. p. 59.

Same as in U. S. Army. The rank of officers of the militia of this State, to be the same as that of the army of the United States. That is to say, commanding officers of Re- Act of So. Ca. 16th Dec. 1815, § 11. See Ap. p. 99.

giments to have the rank of Colonel. The second officer in each Regiment to rank as Lieut. Colonel—each company of Infantry to have a Captain, first Lieutenant, second Lieutenant and Ensign. Every Lieutenant-Colonel then in office created a Colonel, the first Major of every Regiment a Lieutenant-Colonel, the Lieutenant of every company, a first Lieutenant, and the Ensign of every company, a second Lieutenant.

Rank of Divisions.
Rank of Brigades.
Rank of Regiments.
} See Organization of Militia.

REGIMENTS.

To consist of what.

To consist of two Battalions, and to be commanded by a Colonel, a Lieutenant-Colonel and Major, when there is but one Battalion, to be commanded by a Major. Act of Congress, 20th April, 1816, § 1. See Ap. p 11.

How to act when aggrieved by a division.

In all cases where any Regiments, or Battalions and companies belonging to a Regiment, feel aggrieved by any division made by Commissioners, appointed by the Brigadier-General to divide the Regiments of his Brigade into Battalions and companies, under the Act of 10th May, 1794, they shall make application for redress to the Brigadier-General, who is to appoint two disinterested Field Officers, who are empowered if they think fit, to make any division of the said Regiments, Battalions, or Companies belonging thereto, as they shall think of advantage to the same. The division to be as nearly in conformity with the Act of Congress, 8th May, 1792, as possible. Act of So. Ca. 19th Dec. 1795, § 1. See Ap. p. 42.

Pendleton Regiment divided

The three Regiments of Pendleton divided into four, and Commissioners appointed to carry the same into effect; each Regiment to consist of eight companies. The additional Regiment to be called the 42d Regiment, and attached to the first Brigade of the 1st Division. Act of So. Ca. 20th Dec. 1820, § 1 and 5. See Ap. p. p. 105 and 106.

Barnwell Regiment divided.

Regiment in Barnwell divided, so as to form two Regiments of strength, as nearly equal as possible, each to consist of at least seven companies. The new Regiment called the 43d, and attached to the third Brigade, second division. Act of So. Ca. 20th Dec. 1821, § 1-5. See Ap. p. 107.

Boundary between 34th and 35th Regiment defined

Boundary line between the 34th and 35th defined. Lower Battalion of the 7th, or Glasscock's Regiment, divided into five Beats, by Commissioners appointed for that purpose—officers to be elected, Act of So. Ca. 24th Nov. 1827. § 1 and 2. See Ap. p. p. 119 and 120.

but the commissions of those in command not to be vacated.

Sutler, how appointed.

Commanding officers of Regiments are authorized to appoint a Sutler, to retail liquor on the muster ground of the Regiment, provided such Sutler furnish a suitable field for the exercise of the Regiment. This extends to the commanding officer of every corps in relation to his command. Act of So. Ca. 19th Dec. 1816, § 10. See Ap. p. 96.

Dividing line of Regiments.

Whenever the dividing line of any Regiment passes through any town or village, any person holding a commission in either Regiment, may reside any where within such town or village. Act of So. Ca. 17th Dec. 1831, See Ap. p. 131.

Inequality of military boundaries how settled.

Whenever any gross inequality or inconvenience of boundary exists between any adjoining Beats, Battalions, or Regiments, within his Brigade, the Brigadier-General is to appoint five or more Commissioners from each of the Beats, Battalions, or Regiments not affected by the division, to examine and decide either in favor of the existing boundaries, or such new boundaries as they may think proper—the same requiring the approval of the Brigadier-General. Act of So. Ca. 20th Dec. 1832, See Ap. p. 136.

Formation of Regiments, &c.

Each Regiment of Infantry is to consist of two Battalions, each Battalions of four Beat Companies, and may have attached to it four Light Companies, and one Company of Artillery, and no more. In all Regiments where the Light Companies allowed have not been raised, the Colonels or commanding officer are authorized to permit such companies to be raised. Act of So. Ca. 19th Dec. 1833, § 13. See Ap. p. 144. Act of So Ca. 17th Dec. 1834, § 6. See Ap. p. 154½ Act of So. Ca. 19th Dec. 1833, § 13. See Ap. p. 144.

Light Companies may be raised.

Regimental parades.

Each officer commanding a Regiment, is required to order it out once in every year for drill, exercise and instruction, to continue not more than one day, and on the day preceding such drill, to assemble all the officers, and non-commissioned officers of his Regiment, for the purpose of instructing them in the manœuvres of the succeeding day. Fine, same as for default at Regimental Muster. Act of So. Ca. 16th Dec. 1815, § 7. See Ap. p. 87. Act of So. Ca. 19th Dec. 1833, § 20. See Ap. p. 145.

Colonel to attend.

The Muster of each Company in a Regiment is to be attended by the Colonel once in every year. Ibid, § 22.

Brigadier-General and Staff to attend reviews of Regiments in his Brigade. Major-General same as to those in his Division.

The Brigadier-General is required to order, and with his Staff to attend a review of each Regiment in his Brigade at least once in every year—and the Major-General to order, and with his Staff attend a review of each Regiment in his Division, at least once in every two years, Ibid, § 23. See Appendix, page 145.

16th and 17th Regiments re-organised.

The 16th and 17th Regiments attached to the 4th Brigade re-organized, with ten Companies to each, to consist of Volunteer and Beat Companies. Act of So. Ca. 19th Dec. 1833, § 52. See Ap. p. 151.

The Artillery and Cavalry to be re-organized in the same form as they were at the passing of the Act.

No Light Companies to be received in any Regiment, unless it consist of at least forty rank and file, four officers, and four sergeants, nor to contain more than one hundred men, except in the Parishes of St. Philip and St. Michael, where they are to consist of no more than sixty-four, with the usual complement of commissioned, and non-commissioned officers. § 14. See Ap. p. 144. § 53. See Ap. p. 152.

Colours to be provided.

Each Regiment and Battalion to be provided with the State and Regimental colours by the field officers, and each company with a drum and fife, or bugle horn, by the commissioned officers of the company, in such manner as the Legislature of the several States shall direct. Act of Congress, 8th May, 1792, § 5. See Ap. p. 4.

Regiment of Artillery—See ARTILLERY.

Regiment of Cavalry—See CAVALRY.

REGIMENTAL STAFF.

To consist of one Adjutant, one Quarter-Master, to rank as Lieutenants, one Paymaster, one Surgeon and Surgeons Mate, one Sergeant-Major, one Drum-Major, and one Fife-Major. Act of Congress, 8th May, 1792, § 3. See Ap. p. 3.

Appointment.

To be appointed by the Lieut. Colonels, approved by the Brigadier, and commissioned by the Governor. Act of So. Ca. 10th May, 1794, § 7. See Ap. p. 20.

RESIDENCE OF OFFICERS.

Officers must reside within their respective commands, under the penalty of forfeiting their commissions. This restriction does not extend to the officers of the Charleston Regiments, a residence within the city being sufficient, nor to the Company Beats in Georgetown, a residence in the Battalion being sufficient. But whenever the dividing line passes through any town or village, the officers may reside any where within such town or village. Act of So. Ca. 10th May, 1794, § 7. See Ap. p. 20. Act of So. Ca. 16th Dec. 1797, § 14. See Ap. p. 47. Act of So. Ca. 17th Dec. 1831, See Ap. p. 131.

RETURNS.

To be made to the Adjutant-General.

Returns to be made to the Adjutant-General by the officers of the different corps of the militia under Act of Congress, 8th May, 1792, §6. See Ap. p. 4.

their command throughout the State, stating the situation of the arms, accoutrements, ammunition and delinquencies, and every thing relating to their discipline and good order. Proper abstracts from which returns to be laid annually before the Commander-in-Chief of the State by the Adjutant-General, who is required to make a return also of the militia of the State to which he belongs, with their arms, accoutrements and ammunition to the President of the United States annually, on or before the first Monday in January. The Secretary of War to lay an abstract of the same before Congress, on or before the first Monday of February, annually.

Act Con. 2d March, 1803, § 1. See Ap. p. 9.

His duty in relation to.

Duty of Brigade Inspectors.

The Brigade-Inspectors whenever required by the Brigadier-General, are to make a return to him of the militia composing his Brigade.

Act of So. Ca. 10th May, 1794, § 14. See Ap. p. 22.

Duty of Brigadier-General.

The Brigadier-Generals whenever required by the Major-General, are to make a return to him of the militia of their respective Brigades.

Duty of Major General.

The Major-Generals whenever required by the Commandcr-in-Chief, are to make a return to him of the militia of their respective Divisions.

Penalty.

Any officer whose duty it is to make returns required by any law, neglecting so to do, may be fined not less than ten, nor more than one hundred dollars.

Act of So. Ca. 19th Dec. 1833, § 42. See Ap. p. 149.

RIFLE CARBINEERS.

A Major of Cavalry may attach to his squadron, with the consent of the commanding officer of the Regiment, any number of Rifle Carbineers, not exceeding twelve to a troop, who shall be armed as troopers in such manner as he shall think fit.

Act of So. Ca. 20th Dec. 1800, § 9. See Ap. p. 54.

RIFLEMEN.

Act of So. Ca. 19th Dec. 1833, § 13. Act of So. Ca. 17th Dec. 1834, § 6 See Ap. p. 144 and 154.

Two Companies of Light Infantry or Riflemen may be raised in *each Battalion*.

Number.

A company of Riflemen must consist of at least forty rank and file, four commissioned officers, four sergeants, and not to contain more than one hundred rank and file. If reduced below the number required, the Colonel of the Regiment to which it belongs, shall require its ranks to be filled, which if not

Act of So. Ca. 19th Dec. 1833, § 14. See Ap. p. 144.

effected within six months after such requisition, such company to be disbanded. Act of So. Ca. 19th Dec. 1833, § 53. See Ap. p. 152.

Restriction as to St. Philip and St Michael.

In the Parishes of St. Philip and St. Michael, Rifle companies to consist of not more than sixty four rank and file, with the usual complement of commissioned, and non-commissioned officers.

SECRETARY OF WAR—See RETURNS.

SERGEANTS.

Fine—how collected from a militia man in the service of the U. S.

Whenever the militia is in the service of the United States, and a non-commissioned officer or private, is adjudged to the payment of a fine, and no goods whereupon to levy such fine can be found, the Marshal is to commit such delinquent to Gaol, for the term for which such delinquent is adjudged to imprisonment, or until the fine be paid. Act of Congress, 2d Jan. 1795. § 7. See Ap. p. 7.

Number.

Pay when in service.

Four attached to each Company—their pay when in the service of the United States, same as United States Troops, to commence from the day they rendezvous, and one day's pay and rations for every fifteen miles, going and returning from the place of rendezvous. Act of Congress, 8th May, 1792. § 3. See Ap. p. 3. Act of Congress, 8th May, § 1 and 3.

Pay for horses of the Cavalry

Non-commissioned officers of Cavalry, in addition to their monthly pay, for the use of their horses, arms and accoutrements, and the risk thereof, except for horses killed in action, 40 cents per day. Ibid, § 2. See Ap. p. 5.

Disobedience of orders of the President by any Commissioned or other officer.

Disobedience of orders of the President of the United States, on the part of any officer, or non-commissioned officer, when in the service of the U. S. incurs a forfeiture of a sum not exceeding one years pay, nor less than one month's; and a further liability to being cashiered by a Court Martial. Act of Congress. 2d Jan. 1795, § 5. See Ap. p. 7.

Non-commissioned officers liable to be imprisoned on non-payment of the fines adjudged against them, one month for every $5 they are fined.

Limitation of service.

No officer, non-commissioned officer or private of the militia to be compelled to be in the service of the United States more than three months, after his arrival at rendezvous in any one year. Act of Congress, 2d Jan. 1795, § 4. See Ap. p. 7.

Penalty for refusing to act as Sergeant.

Any person liable to do militia duty at common musters, refusing to act as Sergeant when appointed, to be fined £4, but not obliged to act more than one year at a time. Act of So. Ca. 16th Dec. 1794, § 4. See Ap. p. 38.

Appointment.

All Sergeants, and Corporals to be appointed by the Captains of the different companies. Act of So. Ca. 10th May, 1794. § 9. See Ap. p. 20.

Pay when in the service of the U. S.

When called into the service of the State, pay, &c. to be the same as when in the service of the United States.* Act of So. Ca. 24th Sep. 1813. § 5. See Ap. p. 74.

Fine for not parading.

Fine for non-attendance at a company muster, $2, and 20 per cent on the defaulter's last general tax. Act of So. Ca. 17th Dec. 1834, § 18 See Ap. p. 157.

Penalty for disorderly conduct on parade.

If guilty of disobedience of orders, or disorderly conduct on parade, to be put under arrest by the officer commanding, who is authorized forthwith to inflict a fine of not less than $2, nor more than $10, to collect the same forthwith through the Sheriff, and is also empowered to confine the offender not exceeding ten hours. Act of So. Ca. 18th Dec. 1833, § 40. See Appendix, page 148.

Off parade.

Disobedience of orders, or neglect of duty off parade, to be fined by a Court Martial not less than $3, nor more than $25. Ibid, § 41.

Liable to a fine of $1, for not appearing at muster with a gun, in good order, unless they make affidavit of their inability to procure such. Ibid. § 43. See Ap. p. 149.

SHERIFFS.

Duty of Sheriffs as to executions.

The President of every Court Martial imposing a fine, to issue execution directed to all and singular the Sheriffs of the State, the same to be returned to the Court from which it issued within three months, and the Sheriff to pay over the amount to the proper Paymaster, his fees to be 50 cents from the Defendant, and 10 per cent on the fines collected. Each Sheriff failing to pay over the fines, or make return of the execution, to be subject to rule and attachment from the Court of Common Pleas. He is exempt from ordinary militia duty. Act of So Ca. 18th Dec. 1833, See Appendix, page 147. § 32 and 33.

Fees.

Penalty for not paying over, or not making a return.

SUTLERS.

See PARADE GROUND—ALSO REGIMENT.

TRANSIENT PERSONS.

See ALIENS.

TAX COLLECTORS.

It is made the duty of any Tax Collector, at the request of any militia officer, to furnish him with the Act of So. Ca. 18th Dec. 1828. § 3. See Ap. p. 121.

* For the compensation allowed by law to the Troops of the United States, see end of this Digest.

amount of the last general tax of any defaulter liable to be fined.

TOLLS.

See Ferriage and Tolls.

UNIFORM.

The Uniform of the officers of the militia of this State, to be the same as that established in the army of the United States, for officers of similar grade and character, prior to 13th Dec. 1815; except that the Uniform of all officers of the line, of and under the rank of Captain, shall be a plain black hat, with a white plume, common dress coat of blue broad cloth, and pantaloons of white or blue cloth, with sword and Epaulette; and also that the buttons worn upon the Uniform of the General Staff and Field Officers shall be *convex;* and those worn by the officers of the line *flat*, having, in all cases, the Palmetto Crest; not to extend, however, to officers of Volunteer Companies.

Act of So. Ca. 13th Dec. 1815, § 7. See Ap. p. 92. Act of So. Ca. 17th Dec. 1834, § 20. See Appendix, page 157. Also Act of So. Ca. 19th Dec. 1833, § 47. See Ap. p. 150.

Every officer is required to uniform himself within three months after his election, and should he appear on parade or Court Martial without, he incurs a fine of not less than five, nor more than fifty dollars. Except such as hold commissions temporarily, under the appointment of the Colonel, or other officer in command of the Regiment.

Act of So. Ca. 17th Dec. 1834, § 5. See Ap. p. 154. Act of So. Ca. 17th Dec. 1834, § 19. See Ap. p. 157.

UNIFORM OF THE ARMY OF THE UNITED STATES.

For Regulations of the War Department, relative to the Uniform of the Army, as approved by the President 28th of June, 1814. See Ap. p. 169.

VOLUNTEER CORPS.

All penalties extended to Volunteer Corps.

All officers and privates in any company of Artillery, Infantry, or Cavalry, raised and uniformed in any militia Regiment, by permission of the Governor or commanding officer of a Regiment, to be liable to all fines imposed by law on the officers or privates in any Regiment or Company Beat.

Act of So. Ca. 10th May, 1794, § 34. See Ap. p. 32.

Number.

Volunteer Corps of Cavalry and Artillery may consist of thirty effective men, to be disbanded if reduced below twenty-four men, and not recruited

Act of So. Ca. 16th Dec. 1815, § 10. See Ap. p. 89.

within six months after notice from the commanding officer of the Brigade or Regiment to do so.

Light companies are required to consist of not less than forty rank and file, nor more than a hundred. Should they be reduced below the number required, to be disbanded, unless filled within six months after notice. In Charleston, such companies cannot consist of more than sixty-four. Act of So. Ca. 19th Dec. 1833, § 14. See Ap. p. 144. § 53 See Ap. p. 152.

No person liable to do militia duty in any Volunteer Corps of Cavalry, Infantry or Artillery, to be exempt from doing militia duty in such Corps, unless he shall have given at least six months previous notice in writing of his intention of leaving such Corps to the commanding officer, and is also obliged to enrol himself in the Company Beat in which he resides, or some other Volunter Corps of the Regiment to which he belongs, and produce a certificate thereof to the officer commanding the company from which he removed. Act of So. Ca. 20th Dec. 1800, § 3. See Ap. p. 52. Act of So Ca. 10th May, 1794, § 34. See Ap. p. 32.

No beat company to be reduced below forty men by the formation of any Volunteer Companies. Act of So. Ca. 19th Dec. 1833, § 18. See Ap. p. 145.

To be under the command of their own officers.

Volunteer Companies when called into service to be under the command of their own officers. Act of So. Ca. 16th Dec. 1815, § 10. See Ap. p. 89.

To go as a whole when called in the service of the State.

Volunteer Light Companies when called into the service of the State, to go as a whole—any company refusing, to be disbanded, and another company permitted to be organized to supply its place. Act of So. Ca. 19th Dec. 1833, § 16. See Ap p. 144. Act of So. Ca.

Recruiting limits.

Recruiting limits of Volunteer Companies extend to the boundaries of the Brigades, to which they belong, and not beyond them. 17th Dec. 1834, § 19. See Ap. p. 157.

Additional Corps.

Two additional Volunteer Corps of Riflemen or Light Infantry allowed to be raised in each Regiment, provided not more than two such Corps be raised in each Battalion. Act of So. Ca. 17th Dec. 1834, § 6. See Ap p. 154½ See Ap. p. 144.

By the Act of 19th Dec. 1833, Sec. 13, but two Light Companies were allowed to each Regiment

WOUNDED AND DISABLED MEN.

Any officer or soldier of the militia of any State, called out in the service of the United States, and wounded or disabled in such service, to be taken care of, and provided for at the public expense. Act of Congress. 8th May, 1792 § 9 See Ap. p. 4.

Any person wounded or disabled in the service of this State, in opposing or suppressing any invasion or insurrection, to be taken care of and provided for at the public expense, without reference to *the rank he may hold.* Act of So. Ca. 10th May, 1794. See Ap. p. 22.

FERRIAGE AND TOLLS.

Clauses of Acts relating to exemption from Ferriage and Tolls, referred to in pages xxx, liii and liv of the Digest.

Act of December 21, 1792.

Sec. 46. *And be it further enacted, &c.* That the President of the United States and his suite, the Governor and Commander-in-Chief of this State for the time being, members of both branches of the Legislature coming to attend, and returning from the Legislature, all Ministers of the Gospel, and other persons going to attend and returning from divine service, all persons necessarily attending on *patrol or militia duty*, all persons in times of alarm in the part of the State in which ferries are situated, all expresses to and from this government, their servants and horses, &c. be and they are hereby exempted from paying any ferriage, toll or duty, for passing or re-passing any of the ferries or bridges established by this act. Who are exempt from ferriage.

Act of Dec. 19, 1807.

Sec. 25. *And be it enacted, &c.* That the keepers of all private ferries usually putting over passengers for hire, shall be obliged to pass over free of charge or expense, all such persons as are by law exempted from the payment of ferriage at ferries, established and allowed by act of the Legislature. Private ferries

Act of Dec. 17, 1813.

Sec. 33. *Be it enacted, &c.* That all persons necessarily attending on *patrol or militia duty*, be and they are hereby exempted from paying any ferriage, toll or duty, for passing or re-passing any of the ferries or bridges established by law.

Act of Dec. 18, 1818.

Sec. 4. *And be it enacted, &c.* That the managers of elections for Colonels and Majors as aforesaid, shall be exempted from paying any ferriage or toll, which is usually paid at the ferries and toll bridges within the State, while going to or returning from the places for holding and declaring the elections as aforesaid, any law, usage or custom to the contrary notwithstanding. Managers of elections for Colonel and Major.

Act of Dec. 20, 1823.

Sec. 16. *And be it enacted, &c.* That all persons who are now exempted by law from paying toll or ferriage at any ferry or bridge now established in this State, shall be and they are hereby declared to be freed and exempted from the toll or ferriage at any bridge or ferry established by this act, and that if the owners, keepers or proprietors of any of the said bridges or ferries shall insist on or compel by threats or other means, or receive the payment of toll or ferriage from any person or persons so de- Penalty for demanding ferriage from persons exempt.

clared to be exempted from the payment of the same, or a greater sum than is allowed by law, that such person or persons guilty of such exaction or reception, shall be subject and liable to a forfeiture of ten dollars for the use of the person or persons illegally paying the same, to be recovered by warrant under the hand and seal of any justice of the peace or quorum in this state, living in the district or districts adjoining said ferry where such exaction or illegal reception shall or may be made as aforesaid.

Act of Dec. 17, 1824.

Exemptions at the toll gates on state road.

Sec. 8. *And be it enacted, &c.* That the following exemptions from tolls and no other, shall be granted at each of the said toll gates, that is to say—the army of this State, of our sister States, and of the United States, while marching on duty in time of war, together with their horses, teams and carriages loaded with provisions, baggage and munitions of war; and every person travelling in the performance of any civil or military duty who receives no salary, emolument or reward therefor, with not more than one servant and a carriage and two horses.

Act of Dec. 17, 1827.

What exemptions shall always be granted at ferries, bridges, &c.

Sec. 38. Exemption from the payment of toll at every bridge, ferry and turnpike road hereafter chartered, shall be granted to every regularly ordained or licensed minister of the gospel, to every member of the Legislature going to and returning from its sitting, and all other persons going to and returning from divine service, and to every person travelling in the performance of any *civil or military duty* for which he receives no salary or reward. In time of war or insurrection, troops with their baggage, artillery and munitions of war, exclusively in the service of this State, shall pass every bridge, ferry and turnpike road, at one half of the established toll or ferriage.

QUARANTINE LAWS.

Referred to in pages xxxv and lxiv of the Digest.

Act to prevent the spreading of contagious distempers in this State, passed 26th March, 1784.

2. No vessel, coming into any harbor, or port, within this State, shall be suffered to pass the respective Forts, or places appointed by the Governor for examination of vessels coming into this State; nor shall any person be suffered to land, from any such vessel, before she shall be examined by some person to be appointed for that purpose, in manner as herein after mentioned: And every pilot, or other person, who shall bring, or attempt to bring, or cause to be brought, into any port of this State, any vessel, or her crew, beyond the places appointed for the examination aforesaid, without being examined as aforesaid, shall forfeit and pay, the one half to the use of this State, and the other half to the use of such person as shall sue for the same, the sum of £100. *Provided*, That nothing herein contained shall extend to persons who may be shipwrecked.

Vessels to be examined.

Penalty on a Pilot bringing in a vessel not examined.

3. The commanding Officer of the Forts within the different harbors of this State, appointed by the Legislature or Executive of this State, for bringing vessels to, for examination, or persons appointed for examination of such vessel, shall, before any vessel shall be permitted to pass such place where they are to be examined as aforesaid, cause the Captain, or commanding officer of every such vessel to declare, on oath, respecting the state and condition of such vessel, and the health of the place from whence she came, and of the health and condition of the crew of every such vessel, as well as at the time of leaving her last port, as at the time of examination, before she shall be permitted to proceed into any such port within this State, and if any such commander of any such Fort, or any such person, so to be appointed for examination of any such vessel, and her crew, as aforesaid, shall, upon examination of any such vessel and her crew, apprehend, or have reason to believe, that the plague, or any infectious distemper shall be on board any such vessel, or that the crew are infected with the same, or that the place from whence she last came was infected with any such malignant disorder, the said commanding Officer of such Fort, or person appointed to examine such vessel and her crew, shall immediately stop such vessel from proceeding further into port, and prevent any of her crew from landing until the pleasure of the Governor or Commander-in-Chief of this State shall be known, who shall there-

Captain to make oath as to the state of his vessel.

When a vessel may be stopped.

upon cause such vessel and her crew to be examined by an experienced Physician or two; and, if deemed necessary, shall cause such vessel and her crew, to perform such quarantine as shall be deemed by the said Governor or Commander-in-Chief most proper and requisite, to check or prevent any such distemper from spreading in this State.

Crew to obey all orders as to purifying, &c

4. All, and every vessel and crew which shall perform quarantine within this State, shall from time to time during such quarantine, obey all and every order respecting the victualling, purifying and cleansing of such vessel, and the intercourse of her crew with the inhabitants of this State, or the landing of her crew, and such quarantine as shall be given from time to time by the Governor or Commander-in-Chief in writing; and every person who shall offend or disobey any such order, shall for every such offence be subject to the fine of £500 sterling, to be recovered in any Court of record in this State; the one half to the use of the State, and the other to such person as shall sue for the same.

Penalty.

Penalty for any one going on board of a vessel.

5. If any person or persons shall go on board, or alongside of any vessel, after ordered to perform quarantine, without leave from the Governor or Commander-in-Chief, and before such quarantine be ended, every such person, so offending, shall be obliged to remain on board such vessel, and perform such quarantine as the Governor or Commander-in-Chief shall think proper, and be liable to a fine of £500 to be recovered for the use of this State, in any Court of record within the same.

Pay of Pilots.

6. When any pilot or pilots shall go on board any vessel, that shall be obliged to perform quarantine by virtue of this act, the master or commander of such vessel shall be obliged to pay unto such, all and every pilot or pilots, his executor or administrators, the sum of one guinea for each day such pilot shall perform such quarantine on board any such vessel, in recompense for the loss of time to such pilot or pilots: *Provided always*, That if it be made to appear, by the oath of two creditable witnesses, that any such pilot or pilots, was or were warned by the commander of the vessel, so liable to perform quarantine, before any such pilot or pilots entered on board any such vessel, that the plague or any such distemper for which such vessel may be liable to perform quarantine, is on board such vessel, or that such pilot or pilots omitted to enquire concerning the health of such vessel, or her crew, that in such case, any such pilot or pilots, shall not be entitled to receive any recompense for any quarantine he or they may be obliged to perform, on board any such vessel.

When forfeited.

Captains in certain cases to produce a bill of health—otherwise perform a quarantine.

7. No vessel whatever, coming into this State, from any part of the Mediterranean Sea, or the Levant, or any other place where the plague is frequent or apt to prevail, shall be suffered to pass the places appointed, or to be appointed, for examination of vessels coming into this port, or into any port within this State, where the captain, or commanding officer of any such vessel does

not produce on oath, well authenticated, to such person or persons appointed to examine such vessel (and from the proper persons empowered to give the same, from the port from whence such vessel last came) a proper bill of health, setting forth the number of persons on board such vessel, and the state and condition of health they were in, at the time of leaving such port; but every such vessel and her crew, so coming from the Mediterranean, or any part of the Levant, or such place where the plague is frequent or apt to prevail, as aforesaid, shall be ordered by the Governor or Commander-in-Chief of this State, for the time being, either to depart this State, or perform such quarantine as they shall deem and judge most proper, and consistent with the health and safety of the inhabitants of this State; and no vessel coming from any of the places aforesaid, shall be suffered to pass the places appointed for examination as aforesaid, until a particular report be made by the person appointed to examine any such vessel, to the Governor or Commander-in-Chief.

8. Repealed.

9. Every vessel coming into this State, with or without a bill of health, from any part of the Levant or the Mediterranean, or any place where the plague is frequent, shall be obliged to perform a quarantine of at least forty days.* And in all cases where any vessel is obliged to perform quarantine by this act, and the Governor or Commander-in-Chief shall deem necessary to cause the cargo of such vessel to be landed to be aired (as may be sometimes necessary in cargoes of cottons or woollens brought from the Mediterranean or Levant, or places which carry on a trade thereto) that any part and parcel of such cargoes shall be landed in the ware-house erected, or to be erected, for such port where such vessel shall arrive, and severally taken to pieces and aired, by the crew of such vessel, under the inspection of the person appointed to keep the pest-house for such port, and shall not be suffered to be put on board such vessel again, and brought and landed in any other part of this State, for such time as the Governor or Commander-in-Chief shall judge proper.

Governor may order cargo to be landed.

10. Every commander of a vessel coming into this State, who shall give a false bill of health, and every doctor examining, by order of the Governor or Commander-in-Chief, as aforesaid, any such vessel, who shall wilfully give a false certificate of the health of such vessel, or her crew, shall forfeit and pay 1000 pounds sterling, one half to the use of this State, and one half to the use of the person informing or suing for the same;—and no person incurring a forfeiture under this act, or sued for the same, shall be allowed any essoign, imparlance or wager, or protection of law; and any person who shall be sued for any thing done, or to be done, under the authority of this law, may plead the general issue, and give this law and the special matter in evidence.

Penalty on Captain exhibiting a false bill of health.

* Repealed by Act of So. Ca. 19th March, 1785.

Act to repeal part of an Act to prevent the spreading of contagious distempers in this State, passed 19th March, 1785.

That such part of the ninth clause of the Act, passed the 26th day of March, 1784, as requires that every vessel coming into this State, with or without a bill of health, from any port of the Levant or the Mediterranean, or any place where the plague is frequent, shall be obliged to perform a quarantine of at least forty days, be and the same is hereby repealed. And that in all cases of any vessel coming from such places, and producing a proper bill of health, and being examined as directed in the seventh clause of the said act, such vessels respectively shall be admitted to an entry, or obliged to perform quarantine for such time only, as the Governor or Commander-in-Chief for the time being, shall limit and direct.

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Act of Assembly, to amend an Act entitled an Act to prevent the spreading of contagious distempers, and also to amend the Law respecting Quarantine, passed 19th Dec. 1809.

Force may be used against all vessels attempting to violate quarantine.

The officer or officers who may be entrusted with the execution of the quarantine laws, be, and they are hereby authorized and directed, in case of a violation, or an attempt to violate any of the said laws, to board by force of arms, any vessel used in such violation or attempt to violate, and to detain her and her crew and passengers; and that the penalty for a breach of any of the quarantine laws, shall not be less than one hundred dollars, nor more than two thousand dollars, any law to the contrary notwithstanding.

Pilot violating the law, to forfeit his branch in addition to the other penalties.

Each and every pilot who shall bring, or attempt to bring into any port in this State, any vessel, or the whole or any part of her crew, beyond the places appointed for her examination, without being examined agreeable to law, shall, in addition to the penalty of one hundred pounds sterling, to which he is subject by an act of assembly, passed the twenty-sixth day of March, in the year one thousand seven hundred and eighty-four, be deprived of his branch as a pilot.

Vessels may be fired upon.

Any vessel which shall be restrained under quarantine law, and shall attempt to violate the same, may be fired upon and detained by force of arms.

—

Act to enlarge and extend the powers of the Governor, and of the City Council of Charleston over Quarantine, and for other purposes, passed 20th Dec. 1832.

Governor, and in his absence City Council, to regulate quarantine.

1. The Governor of the State, and the City Council of Charleston, at all times when the Governor shall be absent from Charleston, shall have full power and authority to establish and regulate the Quarantine to be performed by all vessels arriving within the harbor of Charleston: and for that purpose, shall be empowered to make and ordain all such rules and regulations relating to the said Quarantine, as may be deemed necessary from time to time by the Governor, and in case of his absence from *the city*, by the City Council of Charleston, for the safety of the

public, and the security of the health of the city. Which orders, rules and regulations, shall, and may extend to all such vessels and their cargoes, and to all persons arriving in said vessels with their effects, and to such persons as may go on board of such vessels after their arrival in the harbor of Charleston, and also to every matter or thing relating to or connected with such vessels, their cargoes, crews or passengers, or to any persons going on board, or returning from such vessels; and such orders, rules and regulations, so as aforesaid established, made and ordained, shall be obeyed by all persons, and shall continue to be in force from and after the time when the same shall have been published in two newspapers printed in the city of Charleston, until the same are altered or repealed by the said Governor of the State, or in his absence from the city, by the said City Council; and every person who shall knowingly or wilfully violate, offend against, or disobey any such rules, orders or regulations, so as aforesaid made, established and ordained by the Governor of the State, or in case of his absence from the city, by the City Council of Charleston, shall upon being convicted thereof upon indictment, in the Court of General Sessions, be imprisoned for a period not exceeding twelve months, and be fined in a sum not exceeding two thousand dollars, for each and every such offence.

Extended to all who may go on board.

Rules to be published in two newspapers.

Penalty.

2. The Governor of the State, and in his absence from the city, the City Council of Charleston shall have power at all times, to cause any vessel arriving in the harbor of Charleston, which is foul and infected, or whose cargo is foul and infected with any malignant or contagious disease, to be removed or placed upon such Quarantine ground as may be designated by the Governor or the City Council, as the case may be, and the same to be thoroughly cleansed and purified, at the expense and charge of the owners, consignees or possessors of the same, and also cause all persons arriving in or going on board of such infected vessel, or handling such infected cargo, to be removed to such place as may be designated by the Governor or City Council, there to remain under the orders of the Governor or City Council: all expenses incurred on account of the aforesaid Quarantine rules, orders and regulations, shall be paid by the persons on whose account they are so incurred.

Vessel may be ordered to quarantine ground and cargo cleansed.

Expenses by whom to be paid.

3. The powers and authority by this Act, vested in the Governor and City Council to establish and regulate Quarantine, shall extend to all vessels stranded or wrecked on any part of the sea coast and islands within twenty miles of the City of Charleston, their cargoes, passengers and crews, and to all persons going on board, or returning from vessels so stranded or wrecked.

Law extended to all vessels, &c. wrecked within twenty miles of Charleston, and persons visiting them.

4. The Governor of the State, and in his absence the City Council of Charleston shall have full power and authority to order any vessel arriving within the harbor of Charleston, with a malignant or contagious disease or distemper on board any such vessel, or with the crew or passengers infected with the same, to

Vessels arriving with disease may be ordered off the State.

depart the State at such time, and upon such notice as the Governor or City Council shall think proper, and most consistent with the safety and health of the said City of Charleston.

Fines recoverable by indictment.

5. That all fines and forfeitures and penalties, now provided by the laws of the State for the violation of the Quarantine Laws, or disobedience of the orders of the Governor, establishing Quarantine regulations under any acts of the General Assembly of of this State, shall be recovered by indictment in the Court of Sessions, and all persons offending against the same, upon conviction, shall be liable to imprisonment not exceeding twelve months, in addition to such fines, forfeitures and penalties.

Additional penalty.

6. That all laws of the State, investing the Governor with power and means to enforce the observance of the Quarantine, shall extend to the enforcement of such rules and regulations as shall be made and established for Quarantine purposes, under the authority of this act.

Vessels attempting to violate quarantine may be fired on.

7. That any vessel which shall be restrained under Quarantine Laws, and shall attempt to violate the same, may be fired upon and detained by force of arms.

8. That any Pilot who shall bring, or attempt to bring into any port in this State any vessel, or the whole or any part of the crew, passengers or cargo beyond the places appointed for her examination, without such vessel being examined according to law, shall in addition to the penalties of one hundred pounds sterling, to which such Pilot is now subjected by the Laws of the State, shall be deprived of his branch as a Pilot.

Penalty on Pilots.

Quarantine Laws extended to Beaufort and Georgetown.

9. That all the powers and authority by this Act, given to the Governor and City Council of Charleston, be and the same are hereby vested in the Intendant and Wardens of the Towns of Beaufort and Georgetown respectively, in cases of vessels arriving in the harbors of either of the said Towns, or arriving or being wrecked or stranded on the sea coast or islands within twenty miles of the said Towns of Beaufort and Georgetown.

Resolution of the Legislature, 20th Dec. 1823. *referred to in* p. lxiv *of Digest.*

IN SENATE, Dec. 20, 1823.

Resolved, That the Quarter-Master General be instructed to report to the Legislature at their next Session, the number and kinds of arms, that have been distributed from that department, from time to time, since the year eighteen hundred, and the names of the persons to whom delivered, together with such informations as he may possess, or may be able to procure, in relation to the present situation of the said arms, and that it shall be the duty of the said Quarter-Master-General, annually, to make a similar report as to any further distribution of public arms, for the use of any of the militia corps of this state.

Ordered, That the resolution be sent to the House of Representatives for concurrence

By order of Senate, WM. D. MARTIN, C. S.

IN THE HOUSE OF REPRESENTATIVES. Dec. 20, 1823.

Resolved, That the House do concur in the resolution *Ordered*, That it be returned to the senate.

By order of the Senate, R. ANDERSON, C. H. R.

PAY AND RATIONS

Of the Troop of the United States Army, referred to in page lvii, lxii, lxxi of the Digest.

From "General Regulations of the Army," pages 286, 287, and 288.

	Pay Per Month.	Subsistence Number of Rations per day.	Forage Number of Horses Allowed.	Servants, Number Allowed.
Major-General,	$200	15	7	4
Aid to do. in addition to pay in line,	2?	1	2	0
Brigadier-General,	104	12	5	3
Aid to do. in addition to pay in line,	20	0	2	0
Adjutant-General,	90	6	5	2
Inspector-General,	90	6	5	2
Quarter-Master-General,	1 4	12	5	3
Quarter-Master,	60	4	4	2
Assistant Quarter-Master, in addition to pay in line,	20	0	0	0
Pay-Master General, $2500 per annum,				
Pay-Master,	50	4	3	2
Commissary General of Purchases, $3000 per annum				
Commissary General of Subsistence,	90	6	4	2
Assistant Commissary-General of Subsistence, in addition to pay in line,	10 to 20			
Military Store-Keeper,	40	4	0	1
Topographical Engineer,	60	4	4	2
Assistant do.	40	3	0	1
Surgeon General, $2500 per annum,				
Surgeon,	45	3	2	1
Assistant do.	40	2	2	1
Professor of Natural and Experimental Philosophy,	60	5	3	2
Assistant do. do.	40	3	0	1
Professor of Mathematics,	50	4	3	2
Assistant Professor of Mathematics,	40	3	0	1
Professor of the Art of Engineering,	50	4	3	2
Assistant do. do.	40	3	0	1
Chaplain and Professor of Geography, History and Ethics,	50	4	3	2
Teacher of the French Language,	40	3	0	1
Teacher of Drawing,	40	3	0	1
Master of the Sword,	26⅔	2	0	0
Colonel,	75	6	4	2
Colonel of Ordnance,	90	6	5	2
Lieutenant-Colonel,	60	5	3	2
Lieutenant Colonel of Ordnance,	75	5	4	2
Major,	50	4	3	2
Major of Ordnance,	60	4	4	2
Adjutant, Regimental, in addition to pay in line,	10	0	2	0
Captain,	40	3	0	1
Captain of Ordnance,	50	3	0	1
First Lieutenant,	30	3	0	1
First Lieutenant of Ordnance,	33⅓	3	0	1
Second Lieutenant,	25	3	0	1
Second Lieutenant of Ordnance,	33⅓	3	0	1
Cadet,	16⅔	2	0	0
Sergeant-Major,	9	0	0	0
Quarter-Master Sergeant,	9	0	0	0
Principal Musician,	8	0	0	0
Sergeant,	8	0	0	0

Corporal,	7	0	0	0
Musician,	6	0	0	0
Private,	5	0	0	0
Artificer, Artillery,	10	0	0	0
Armourer of Ordnance,	16	0	0	0
Blacksmith, of do	16	0	0	0
Carriage Maker of Ordnance	16	0	0	0
Artificer of Ordnance,	13	0	0	0
Labourer of Ordnance,	9	0	0	0

NOTES.

Subsistence.—Commissioned Officers, who command a department or double-ration post are entitled to an additional allowance of rations, equal to the number opposite their rank in the schedule, or money in lieu thereof, at the rate of twenty cents for every ration not drawn in kind.

Servants.—For each private servant an officer is entitled to, and actually does keep, he is allowed the pay, rations and clothing of a private soldier, or money in lieu thereof, the ration to be calculated at twenty cents, and the clothing at the contract price of infantry clothing.

Forage.—When not drawn in kind, is to be paid for at the rate of eight dollars per month for each horse an officer is entitled to, and actually does keep in service.

Fuel and Quarters allowed to the officers and privates of the Army of the United States.

RANK.	QUARTERS.		Fuel per Month.	
	Rooms.	Kitchen.	From 1st May to 31st Oct. Cords.	From 1st Nov. to 30 April Cords.
Major-General,	3	1	1	6
Brigadier-General, Surgeon-General, Pay-Master-General and Colonel,	2	1	1	4½
Lieutenant Colonel, Major, Quarter-Master, Assistant Quarter-Master, Pay-Master, and Surgeon,	1	1	1	3
Captain, Aid de-Camp, Adjutant, Assistant Commissary, Assistant Surgeon and Storekeeper,	1	0	½	2
All other Commissioned Officers, to each two,	1	0	½	2
Each Mess of Six Officers,	0	1	½	1
To the Commanding Officer of a Department or separate post, and to each officer of the Pay and Quarter-Master's Departments, for an Officer,	1	0	0	2
All posts where there are less than six officers,	0	1	0	
Every six non-commissioned officers, musicians and privates, including the authorized number of washerwomen and servants,	0	0	½	1

APPENDIX.

MILITIA LAWS

OF

South-Carolina.

ARRANGED IN CHRONOLOGICAL ORDER,

CONSISTING OF

1st. ACTS OF CONGRESS,

2d. ACTS OF THE LEGISLATURE OF SOUTH-CAROLINA.

ACT *May* 8, 1792. 2 *Bioren*, p. 293. *(a)*

More effectually to provide for the national defence, by establishing an uniform Militia throughout the United States.*

* See additional act, of the 2d March, 1803; chap. 338 vol. 3

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each and every free able bodied white male citizen of the respective states, resident therein, who is or shall be of the

Every able bodied white male citizen, of the age of 18;

(a) The Acts of the Federal Legislature are taken from the Collection of the Laws of the United States, published by an Act of Congress, under the superintendence of the Secretary of State, James Monroe, and of the Attorney-General, Mr. Rush; by John Bioren, and W. John Duane, of Philadelphia, and R. Weightman, of Washington City. This Collection extends from 4th of March, 1789 to 4th March, 1815. Subsequent Acts are upon the authority of Colvin's continuation, and other recognized compilations.

and under 45, years to be enrolled, &c.

age of eighteen years, and under the age of forty-five years, (except as is hereinafter excepted,) shall, severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act.

Duty of captains with respect to enrolling, &c.

And it shall, at all times hereafter, be the duty of every such captain or commanding officer of a company, to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or, being of the age of eighteen years and under the age of forty-five years, (except as before excepted) shall come to reside within his bounds; and shall, without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved.

Citizens enrolled, to provide themselves with arms and accoutrements in six months after enrolment &c.

That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket, or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or, with a good rifle, knapsack, shot pouch, and powder horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed, accoutred, and provided, when called out to exercise, or into service; except, that when called out on company days to exercise only, he may appear without a knapsack.*

Militiamen to appear armed &c. when called out to exercise, &c. except, &c.

That the commissioned officers shall severally, be armed with a sword or hanger, and espontoon; and that, from and after five years from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as aforesaid, shall hold the same exempted from all suits, distresses, executions, or sales, for debt, or for the payment of taxes.

* See act of 2d March, 1803; chap. 328 vol. 3

Muskets to carry balls eighteen to the pound.

Arms, &c. free from distress, executions &c.

Enumeration of officers and persons, who are exempt from militia duty under this act.

SEC. 2. *And be it further enacted*, That the vice-president of the United States; the officers, judicial and executive, of the government of the United States; the members of both houses of Congress, and their respective officers; all custom-house officers, with their clerks; all post-officers, and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners, actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are, or may hereafter be, exempted by the laws of the respective states, shall be and are hereby, exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

† See the act of 30th Apr. 1810, sec. 33, chap. 262, vol. 4.

Militia in each state to be arranged into di-

SEC. 3. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective states

shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each state shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant general's office in the state; and when in the field, or in service in the state, each division, brigade and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That, if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division, one major-general and two aids de camp, with the rank of major; to each brigade, one brigadier-general, with one brigade inspector, to serve also as brigade major, with the rank of a major; to each regiment, one lieutenant-colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bughler. That there shall be a regimental staff, to consist of one adjutant and one quarter master, to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one sergeant major; one drum major, and one fife major.*

visions, brigades, &c. as the legislatures thereof may direct.

Organization of brigades, regiments, &c.

To be officered by the states in the manner prescribed.

See the constitution, art. 1, sec. 8, cl. 15, p. 64, vol. 1.

* Additional officers authorised, by act of 2d March, 1803. See sec. 3. ch. 328, vol. 3.

Sec. 4. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed, for each battalion, at least one company of grenadiers, light infantry, or riflemen; and that, to each division, there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenant, four sergeants, four corporals, six gunners, six bombadiers, one drummer and one fifer. The officers to be armed with a sword, or hanger a fusee, bayonet and belt, with a cartridge box, to contain twelve cartridges; and each private or matross, shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be, to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of, at least, fourteen hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail pillion, and valise, holsters, and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander-in-chief of the state, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to

One company of grenadiers, &c. to each battalion.

A company of artillery and a troop of horse to each division. Officers of the artillery, their arms, &c.

Arms of matrosses.

Officers of the cavalry, their horses, arms, &c.

Dragoons their horses, arms, &c.

Artillery and troop of horse to be formed of volunteers &c.

be furnished at their own expense; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

Colors to battalions and regiments, and by whom provided.

SEC. 5. *And be it further enacted*, That each battalion and regiment shall be provided with the state and regimental colors, by the field officers, and each company with a drum and fife, or bugle-horn, by the commissioned officers of the company, in such manner as the legislature of the respective states shall direct.

An adjutant general in each state, and his duties.

SEC. 6. *And be it further enacted*, That there shall be an adjutant general appointed in each state, whose duty it shall be to distribute all orders from the commander-in-chief of the state to the several corps; to attend all public reviews, when the commander-in-chief of the state shall review the militia, or any part thereof; to obey all orders from him, relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns, that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps, throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: all which, the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make, in the usual manner, so that the said adjutant general may be duly furnished therewith: from all which returns, he shall make proper abstracts, and lay the same annually before the commander-in-chief of the state.*

* For additional duties of the adjutant general, see act of 2d Mar. 1803, sec. 1, ch. 328, vol. 3.

Commanding officers to train militia according to the rules prescribed.

SEC. 7. *And be it further enacted*, That it shall be the duty of the commanding officer, at every muster, whether by battalion regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline. *(a)*

Commissioned officers to take rank according to date, &c.

SEC. 8. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them, before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Militiamen wounded and disabled in public service to be provided for, &c.

SEC. 9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Duties of brigade inspectors.

SEC. 10. *And be it further enacted*, That it shall be the duty of the brigade inspector to attend the regimental and battalion

(a) The said rules of discipline, meant Baron Steuben's system, which has been superseded by subsequent systems prescribed by congress, and adopted by the state. The system prescribed, it is the duty of every militia officer, punctually to observe and inculcate.

meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœvres, and introduce the system of military discipline, ... described,† throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander-in-chief of the state; to make returns to the adjutant general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition, of the several corps, and every other thing, which, in his judgment, may relate to their government and the general advancement of good order and military discipline; and the adjutant general shall make a return of all the militia of the state, to the commander-in-chief of the said state, and a duplicate of the same to the president of the United States.‡

† Supra, sec. 7.

‡ See act of 2d March, 1803; sec. 1, ch. 328. vol. 3.

And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said states, which, by the laws, customs or usages, thereof, have not been incorporated with, or subject to the general regulations of the militia:

SEC. 11. *Be further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act in like manner with the other militia.

Existing corps to retain their accustomed privileges, subject, &c.

ACT *May* 8, 1792. 2 *Bioren*, p. 458.

To regulate the pay of Non-Commissioned Officers, Musicians and Privates of the Militia of the United States, when called into actual service, and for other purposes.*

*All the sections of this act, except the 3 first, are obsolete.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passing of this act, the allowance of bounty, clothing and pay, to the non-commissioned officers, musicians and privates, of the infantry, artillery, and cavalry of the militia of the United States, when called into actual service, shall be at the rate per month, as follows: each sergeant-major and quarter-master-sergeant, nine dollars; each drum and fife-major, eight dollars and thirty-three cents; each sergeant, eight dollars; each corporal, drummer, fifer and trumpeter, seven dollars and thirty-three cents; each farrier, saddler and artificer, (included as a private,) eight dollars; each gunner, bombardier and private, six dollars and sixty-six cents.

Monthly rate of pay of noncommissioned officers, privates, &c. of the militia, when called into actual service.

SEC. 2. *And be it further enacted*, That in addition to the monthly pay, there shall be allowed to each officer, non-commissioned officer, musician and private of the cavalry, for the use of his horse, arms and accoutrements, and for the risk thereof, except of horses killed in action, forty cents per day; and to each non-commissioned officer, musician and private, twenty-five cents

Allowances to cavalry for use, &c. of horses, &c. and in lieu of rations and forage, when, &c.

per day, in lieu of rations and forage, when they shall provide the same.

Pay to commence from the time of appearing at rendezvous

Sec. 3. *And be it further enacted*, That whenever the militia shall be called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the place of battalion, regimental or brigade rendezvous; allowing to each non-commissioned officer, musician and private soldier, a day's pay and rations, for every fifteen miles from his home to such place of rendezvous, and the same allowance for travelling home from the place of discharge.

A day's pay, &c. for every 15 miles to the place of rendezvous, &c.

ACT *January* 2, 1795. 2 *Bioren*, p. 479.

To provide for the calling forth the Militia to execute the laws of the Union, suppress Insurrection and repel Invasion, and to repeal the act now in force for those purposes.*

*See additional act of 18th April, 1814; ch. 570, vol. 4.

In case of invasion, &c. the president may call forth the militia most convenient, & issue his orders to the militia officers, &c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That whenever the United States shall be invaded or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the president of the United States to call forth such number of the militia of the state or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the militia, as he shall think proper. And in case of insurrection in any state, against the government thereof, it shall be lawful for the president of the United States, on application of the legislature of such state, or of the executive, (when the legislature cannot be convened) to call forth such number of the militia of any other state or states, as may be applied for, as he may judge sufficient to suppress such insurrection.†

In case of insurrection against the government of a state, the president, on application, &c may call forth the militia of other states, &c

† See con. art. 1, sec. 8, cl. 14, p. 64, vol. 1.

In case of opposition to the laws by powerful combinations, &c. the president may call forth the militia of any state, &c.

Sec. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals or by this act, it shall be lawful for the president of the United States, to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of congress.

Whenever the military force is necessary, the president, by proclamation, to command the insurgents to disperse, &c.

Sec. 3. *Provided always, and be it further enacted*, That whenever it may be necessary, in the judgment of the president, to use the military force hereby directed to be called forth, the president shall forthwith by proclamation, command such insur-

gents to disperse and retire peaceably to their respective abode, within a limited time.

Militia in service, to be subject to the rules and articles of war, &c. Militia not to serve more than 3 months after arrival at the place of rendezvous, &c.

SEC. 4. *And be it further enacted*, That the militia employed in the service of the United States, shall be subject to the same rules and articles of war as the troops of the United States; and that no officer, non-commissioned officer or private of the militia, shall be compelled to serve more than three months, after his arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able bodied man of the same rank in the battalion to which he belongs.

Officers, privates, &c. failing to obey the orders of the president, &c. forfeit pay, not exceeding, &c. Officers liable, moreover to be cashiered, &c. Non-commissioned officers & privates liable to be imprisoned on failing to pay fines, &c.

SEC. 5. *And be it further enacted*, That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the president of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the said court; and such non-commissioned officers and privates shall be liable to be imprisoned, by a like sentence, or failure of payment of the fines adjudged against them, for one calendar month, for every five dollars of such fine.

Courts martial, &c. of militia officers only.

SEC. 6. *And be it further enacted*, That courts martial for the trial of militia shall be composed of militia officers only.

Fines to be certified by the presiding officer of the court-martial, to the marshal, &c. who is to levy, &c. *Altered. See act of 2d Feb. 1813; ch. 483, vol. 4. Sale of distrained goods according to state laws, &c. Where non-commissioned officers & privates are adjudged to suffer imprisonment, &c. the marshal, &c. may commit, &c.

SEC. 7. *And be it further enacted*, That all fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court-martial, before whom the same shall be assessed, to the marshal of the district in which the delinquent shall reside, or to one of his deputies, and also to the supervisor of the revenue* of the same district, who shall record the said certificate in a book, to be kept for that purpose. The said marshal, or his deputy, shall forthwith proceed to levy the said fines with costs, by distress and sale of the goods and chattels of the delinquent; which costs, and the manner of proceeding with respect to the sale of the goods distrained, shall be agreeable to the laws of the state in which the same shall be, in other cases of distress. And where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the marshal of the district, or his deputy, may commit such delinquent to gaol, during the term for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment, at the suit of the United States, may be committed.

The marshals pay fines to supervisors, &c.

SEC. 8. *And be it further enacted*, That the marshals, and their deputies, shall pay all such fines by them levied, to the supervisor of the revenue† in the district in which they are collect-

†Altered. See

act of 2d Feb. 1813; ch. 483, vol. 4.

ed, within two months after they shall have received the same, deducting therefrom, five per centum, as a compensation for their trouble; and in case of failure, the same shall be recoverable by action for debt or information, in any court of the United States, of the district in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted, and recovered, in the name of the supervisor of the district, with interest and costs.

5 per cent. compensation to the marshal. The marshals failing to pay over, may be sued, &c.

Marshals, in executing the laws of the U. States, empowered as sheriff, &c.

SEC. 9. *And be it further enacted*, That the marshals of the several districts, and their deputies, shall have the same powers in executing the laws of the United States, as sheriffs and their deputies, in the several states, have by law, in executing the laws of the respective states.

The act mentioned, repealed. *Ante, ch. 129.

SEC. 10. *And be it further enacted*, That the act, entitled, "an act to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions,* passed the second day of May, 1792, shall be, and the same is hereby repealed.

ACT *July* 6, 1798. 3 *Bioren*, p. 74.

†See act of 2d April, 1808; ch. 159, vol 4.

Providing arms for the Militia throughout the United States.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there shall be provided, at the charge and expense of the government of the United States, thirty thousand stand of arms, which shall be deposited, by order of the president of the United States, at suitable places, for the purpose of being sold to the governments of the respective states, or the militia thereof, under such regulations, and at such prices, as the president of the United States shall prescribe.

30,000 stand of arms to be provided, for sale to the state government, &c.

Arms remaining unsold may be delivered to the militia when called into service, &c.

SEC. 2. *And be it further enacted*, That the president of the United States be, and he is hereby, authorized to cause all or any part of the arms herein directed to be provided and deposited for sale, which shall, at any time, remain unsold, to be delivered to the militia, when called into the service of the United States, proper receipts and security being given for the return of the same.

Amount of sales to be paid into the treasury, &c.

SEC. 3. *And be it further enacted*, That the moneys arising from such sales shall be paid into the treasury of the United States, and the amount received shall be annually reported to congress.

Appropriation of 400,000 dollars for the purposes of this act.

SEC. 4. *And be it further enacted*, That, for the purpose of carrying this act into effect, the president of the United States shall be, and he is hereby, authorized to draw from the treasury of the United States a sum not exceeding four hundred thousand dollars, to be paid out of any money in the treasury not otherwise appropriated.

ACT *March* 2, 1799. 3 *Bioren*, p. 280.

To establish the Post-Office of the United States.

Postmasters, &c exempt from militia duties, &c.

SEC. 26. *And be it further enacted*, That the post-masters, and other persons employed in the transportation of the mail, shall be exempt from militia duties, and serving on juries, or any fine or penalty for neglect thereof.

ACT *May* 7, 1800. 3 *Bioren*, p. 372

For the regulation of Public Arsenals and Magazines.

Artificers and workmen in the armories exempt from militaryservice and from serving as jurors, &c.

SEC. 4. *And be it further enacted*, That all artificers and workmen, who are or shall be employed in the said armories, shall be and they are hereby exempted, during their time of service, from all military service, and service as jurors in any court.

ACT *March* 2, 1803. 3 *Bioren*, p. 531.

*See orig. act, of 8th May, 1792; ch. 134, vol, 2.

In addition to an act, entitled, "an act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States."*

The adjutant general of the militia in each state, to make returns to the president annually, &c. The secretary of war to give directions to the adjutant generals, &c. & lay an abstract before congress annually.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be the duty of the adjutant-general of the militia in each state, to make return of the militia of the state to which he belongs, with their arms, accoutrements, and ammunition, agreeable to the directions of the act to which this is an addition, to the president of the United States, annually, on or before the first monday in January in each year; and it shall be the duty of the secretary of war, from time to time, to give such directions to the adjutant-generals of the militia as shall in his opinion be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before congress, on or before the first monday of February annually.*(a)*

Citizens duly enrolled in the militia, to be constantly provided with arms, and after being notified; &c. Notice to muster, according to the laws of a state, &c. deemed a legal notice of enrolment.

SEC. 2. *And be it further enacted*, That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements and ammunition, agreeable to the directions of the said act, from and after he shall be duly notified of his enrolment; and any notice or warning to the citizens so enrolled, to attend a company, battalion or regimental muster or training, which shall be according to the laws of the state in which it is given for that purpose, shall be deemed a legal notice of his enrolment.*(b)*

Quartermaster, and chaplains, to the militia, &c.

SEC. 3. *And be it further enacted*, That in addition to the officers provided for by the said act, there shall be, to the militia of each state, one quarter-master-general, to each brigade one quarter-master of brigade, and to each regiment one chaplain. *(c)*

(a) See sec. 6, 10, ch. 134, vol. 2. *(b)* See sec. 1, ch. 134, vol. 2.
(c) See sec. 3, ch. 134, vol. 2.

ACT *April* 23, 1808. 4 *Bioren*, p. 169.

The annual sum of 200,000 dolls appropriated to provide arms, &c. for the whole body of the militia, &c.

Making provision for arming and equiping the whole body of the Militia of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the annual sum of two hundred thousand dollars be, and the same hereby is appropriated, for the purpose of providing arms and military equipments for the whole body of the militia of the United States, either by purchase or manufacture, by and on account of the United States.

The president authorized to purchase sites and erect additional arsenals and manufactories of arms, &c. Proviso: any law restricting the number of work men in the armories to 100 repealed. *See sec. 2, ch. 190, vol. 2.

SEC. 2. *And be it further enacted*, That the president of the United States be, and he hereby is authorized to purchase sites for, and erect such additional arsenals and manufactories of arms, as he may deem expedient, under the limitations and restrictions now provided by law: *Provided also*, That so much of any law as restricts the number of workmen in the armories of the United States to one hundred men, be, and the same is hereby repealed.*

The arms procured in virtue of this act to be transmitted to the several states and territories, in proportion to the number of effective militia, &c

SEC. 3. *And be it further enacted*, That all the arms procured in virtue of this act, shall be transmitted to the several states composing this union, and territories thereof, to each state and territory respectively, in proportion to the number of the effective militia in each state and territory, and by each state and territory to be distributed to the militia in such state and territory, under such rules and regulations as shall be by law prescribed by the legislature of each state and territory.

ACT *May* 16, 1812. 4 *Bioren*, 434.

Making further provision for the Army of the United States.

So much of the act mentioned, as authorizes the infliction of corporeal punishment by stripes or lashes, repealed. †Ante ch. 20.

SEC. 7. *And be it further enacted*, That so much of the "act for establishing rules and articles for the government of the armies of the United States,"† as authorizes the infliction of corporeal punishment by stripes or lashes, be, and the same hereby is, repealed.

ACT *February* 2, 1813. 4 *Bioren*, p. 495.

‡ See original act of 28th Feb 1795; ch. 277, vol. 2.

Supplementary to an act, entitled "an act to provide for calling forth the Militia to execute the laws, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," and to increase the pay of volunteer and militia corps.‡

Fines imposed by courts martial to be certified to the comptroller of the treasury, &c. §See ch. 277, vol. 2.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in every case in which a court-martial shall have adjudged and determined a fine against any officer, non-commissioned officer, musician, or private, of the militia, for any of the causes specified in the act to which this act is a supplement,§ or in the fourth section of an act, entitled "an act to authorize a de-

tachment from the militia of the United States,"* all such fines, so assessed, shall be certified to the comptroller of the treasury of the United States, in the same manner as the act to which this act is a supplement directing the same to be certified to the supervisor of the revenue.

* Ante ch. 378,

SEC. 2. *And be it further enacted*, That the marshals shall pay all fines which have been levied and collected by them, or their respective deputies, under the authority of the acts herein referred to, into the treasury of the United States, within two months after they shall have received the same, deducting five per centum for their own trouble; and in case of failure, it shall be the duty of the comptroller of the treasury to give notice to the district attorney of the United States, who shall proceed against the said marshal in the district court, by attachment, for the recovery of the same.†

Marshals to pay fines within two months after collection into the treasury, deducting five per cent, &c.

† 3d section obsolete.

ACT *April* 18, 1814. 4 *Bioren*, p. 701.

In further addition to an act, entitled "an act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States.‡

‡ See orig. act, of 8th May, 1792, ch. 134, vol. 2.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in addition to the officers of the militia provided for by the act, entitled "an act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States,"§ approved May the eighth, one thousand seven hundred and ninety-two, and by an act in addition to the said recited act, approved March the second, one thousand eight hundred and three,‖ there shall be, to each division, one division inspector, with rank of lieutenant-colonel, and one division quarter-master, with the rank of major; to each brigade, one aid-de-camp, with the rank of captain; and the quarter-masters of brigade, heretofore provided for by law, shall have the rank of captain. And it shall be incumbent on the said officers to do and perform all the duties which, by law and military principles, are attached to their offices, respectively.

In addition to the officers of the militia provided for by the acts mentioned there is to be a division inspector, and other officers, as specified, &c.

§ Ch. 134, v. 2.
‖ Ch. 328, v. 3.

ACT *April* 20, 1816. *Colvin's continuation*, p. 77. *(a)*

Concerning Field-Officers of the Militia.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of May next, instead of one lieutenant-colonel commandant to each regiment, and one major to each battalion of the militia, as is provided by the act, entitled, "an

One colonel, one lieut. colonel, and one major, to each regiment of militia consisting of two battalions, instead &c. after the 1st May, 1816.

(a) Numbered as the 6th volume, so as to succeed the 5th of Bioren.

*Page 293, v.2. If only one battalion, a major is to command. Proviso: nothing herein to annul any commission in force, &c.

act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States,"* approved May the eighth, 1792, there shall be one colonel, one lieutenant-colonel, and one major to each regiment of the militia consisting of two battalions. Where there shall be only one battalion, it shall be commanded by a major: *Provided*, that nothing contained herein shall be construed to annul any commission in the militia, which may be in force, as granted by authority of any state or territory in pursuance of the act herein recited, and bearing date prior to the said first day of May next.

ACT *April* 29, 1816. *Colvin*, p. 123–4.

The sum of $200,000 for providing arms &c. for the militia, to be paid out of the moneys in the treasury †Page 169, v.4. The sum appropriated to be applied according to the act of 23d April, 1808 without being carried to the surplus fund. Nothing in the act of 3d March 1809, to authorize a transfer of any portion of the sum to any other branch of expenditure. ‡ Page 220 v. 4.

Concerning the annual sum appropriated for arming and equiping the Militia.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the annual sum of two hundred thousand dollars, as appropriated for the purpose of providing arms and military equipments for the militia, either by purchase or manufacture, according to the act of the twenty-third of April, one thousand eight hundred and eight, entitled "an act making provision for arming and equiping the whole body of the militia of the United States,"† shall be paid, for each year, respectively, out of any moneys in the treasury not otherwise appropriated.

Sec. 2. *And be it further enacted*, That the sum appropriated, to be paid as aforesaid, shall be applied for the purpose, and according to the intention, specified in said act, without being liable, at any time, to be carried to the account of the surplus fund. And nothing in the act of the third of March one thousand eight hundred and nine, entitled "an act further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments,"‡ shall be construed to authorize the transferring of the sum annually appropriated as aforesaid, or any portion thereof, to any other branch of expenditure.

ACT *April* 20, 1818. *Colvin*, p. 315.

Expenses incurred by marching militia to places of rendezvous, upon the president's requisition or calls of state authorities approved by him, to be adjusted and paid in the same manner as expenses incurred after arrival. Proviso: no species of expenditure au-

To defray the expenses of the Militia when marching to places of rendezvous.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the expenses incurred, or to be incurred, by marching the militia of any state or territory of the United States to their places of rendezvous, in pursuance of a requisition of the president of the United States, or which shall have been, or may be, incurred in cases of calls made by the authority of any state or territory, which shall have been, or may be, approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the president of the United States: *Provided*, That

nothing herein contained shall be considered as authorizing any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

thorized previously to arrival not provided to be paid for after arrival.

ACT *April* 20, 1818. *Colvin*, p. 338.

*See the act to reduce and fix the military peace establishment, of 2d March, 1821; ch. 669, post.

Respecting the Organization of the Army, and for other purposes.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That hereafter the company officers of the corps of artillery consist of one captain, two first lieutenants, and two second lieutenants; and in the corps of light artillery, the company officers consist of one captain, one first lieutenant, and two second lieutenants; and one of the second lieutenants in each company shall act as a conductor of artillery as in the case of the corps of artillery, whose duty it shall be to receipt and account for all ammunition, implements, and cannon; and for the performance of these services they shall be allowed, each, ten dollars extra per month.

Company officers of artillery.
Company officers of light artillery.
Conductor of artillery, &c.
Extra pay to conductors of artillery.

SEC. 2. *And be it further enacted*, That to each regiment of infantry, riflemen, and to each battalion of the corps of artillery, and to the regiment of light artillery, there shall be attached one armorer, with the pay and emoluments allowed to armorers employed by the ordnance department.

One armorer to each regiment of infantry, rifle men, and to the artillery, &c.

ACT *May* 12, 1820. *Colvin*, p. 511.

†See the act of 2d March 1821; sec. 14, ch. 669 post.

To establish an uniform mode of Discipline and Field Exercise for the Militia of the United States.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the system of discipline and field exercise which is and shall be ordered to be observed by the regular army of the United States, in the different corps of infantry, artillery, and riflemen, shall also be observed by the militia, in the exercises and discipline of the said corps, respectively, throughout the United States.

The system of discipline and field exercise observed by the regular army to be observed by the militia.

SEC. 2. *And be it further enacted*, That so much of the act of Congress, approved the eighth day of May one thousand seven hundred and ninety-two,* as approves and establishes the rules and discipline of the Baron de Steuben, and requires them to be observed by the militia throughout the United States, be, and the same is hereby repealed.

So much of the act of 8th May, 1792, as establishes the Baron de Steuben's rules and discipline, repealed.
*Page 296, v. 2.

ACT *March* 2, 1821. *Colvin*, p. 553.

To reduce and fix the Military Peace Establishment of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assem-*

Military peace establishment, after 1st June, 1821.

bled, That, from and after the first day of June next, the military peace establishment of the United States shall be composed of four regiments of artillery, and seven regiments, with such officers of engineers, of ordnance, and of the staff, as are hereinafter provided for.

Artillery.

Light artillery.

A supernumerary captain for ordnance duty.

Infantry.

Adjutant to each regiment.

Sec. 2. *And be it further enacted*, That each regiment of artillery shall consist of one colonel, one lieutenant colonel, one major, one sergeant major, one quartermaster's sergeant, and nine companies, one of which shall be designated and equiped as light artillery; and there shall be attached to each regiment of artillery one supernumerary captain to perform ordnance duty; and that each company shall consist of one captain, two first lieutenants, two second lieutenants, four sergeants, four corporals, three artificers, two musicians, and forty-two privates. That each regiment of infantry shall consist of one colonel, one lieutenant colonel, one major, one serjeant major, one quartermaster's sergeant, two principal musicians, and ten companies: each of which shall consist of one captain, one first lieutenant, one second lieutenant, three sergeants, four corporals, two musicians, and forty-two privates; and that to each regiment of artillery and infantry, there shall be one adjutant, who shall be taken from the subalterns of the line.

System as recommended by the War Department.

THE SYSTEM

OF

INFANTRY DISCIPLINE OF THE MILITIA,

Prescribed by Congress, and adopted by South-Carolina, is the "Abstract of infantry tactics; including exercises and manœuvres of light infantry and riflemen; for the use of the militia of the United States. Published by the Department of War, under the authority of an act of Congress of the 2d of March, 1829." Referred to in the following communication to the War Department.

Washington, Dec. 5, 1826.

Sir,—The Board of Officers assembled at this place, under your orders of October 5, 1826, for, among other purposes, re-

porting "*A System of Instruction for the Militia Infantry*," have now the honour to submit, through its Recorder, (lieutenant Eakin,) the annexed sheets.

I have the honour to be, Sir, with high respect, your most obedient servant,

WINFIELD SCOTT, *Major Gen. and President of the Board,*
T. CADWALADER, *Major Gen. Pennsylvania Militia,*
WILLIAM H. SUMNER, *Adj. Gen. of Massachusetts,*
B DANIEL, *Adj. Gen. Militia, North-Carolina,*
ABRM. EUSTIS, *Lieut. Col. 4th Artillery,*
Z. TAYLOR, *Lieut. Col. 1st Reg. U. S. Infantry,*
G. CUTLER, *Lieut. Col. 3d Infantry.*
CHARLES J. NOURSE, *U. S. A.*

Officers who compiled it.

To the Hon. JAMES BARBOUR, *Secretary of War.*

The last edition was published at Boston in 1833, by Hilliard, Gray & Co. under the authority of Congress, as appears by this Act, passed 2d March, 1829, which follows:

Act of Congress establishing the system.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of War be, and he is hereby, authorized and and directed, to contract with Hilliard, Gray & Co. of Boston, or some other person or persons, for printing, binding and delivering, sixty thousand copies of the Abstract of Infantry Tactics, including Exercises and Manœuvres of Light-Infantry and Riflemen, for the Use of the Militia of the United States; also five thousand copies of a System of Exercise and Instruction of Field-Artillery, including Manœuvres for Light or Horse-Artillery, as reported by the Secretary of War, on the eighth of January, eighteen hundred and twenty-seven; agreeably to the proposals of said Hilliard, Gray & Co., made to the Secretary of War, dated on the twenty-seventh of October, eighteen hundred and twenty-seven, in their specimen marked B; and when so printed, bound and delivered, the secretary of War is hereby directed to apportion the same among the several States and Territories, and in the District of Columbia, for the use of the Militia thereof, according to the number of the Militia, in each State and Territory and the District of Columbia; and to forward to the Chief Magistrate of each State and Territory the number allowed to such State and Territory as aforesaid, to be by said Chief Magistrate distributed among the officers of the Militia of such State or Territory, for their use, and the use of their successors in office, under such rules and regulations as they may direct. And the Secretary of War will cause the number of copies apportioned to the District of Columbia to be distributed among the officers of the Militia in the District, under such rules and regulations as may be prescribed by the President of the United States.

Copies to be distributed to each State or Territory.

ACTS

OF THE

LEGISLATURE

OF

SOUTH-CAROLINA.

IN RELATION TO THE MILITIA,

FROM THE 10th MAY, 1794, TO 19th DECEM. 1833, INCLUSIVE.

EMBRACING ALSO,

THE PATROL LAWS;

TO WHICH ARE ADDED,

The Constitution of this State and of the United States.

N. B. For the sake of *reference*, it has been deemed advisable to publish a collection of all the Acts of the Legislature, not omitting such as may have been in whole, or part repealed. The DIGEST, arranged in alphabetical order, will, in general, afford sufficient information for all practical purposes. But, to enable those who may be disposed to test the accuracy of the Digest, or to form their own opinions on questions which may arise under the Militia Laws, we have published the Acts entire, to which, for the same reasons, have been annexed the Constitution of this State and of the United States. Such a collection has been long wanted, and we doubt not will be found useful. We have commenced with the Act of 10th May, 1794, because all acts prior to that date were repealed *by that act, which is the foundation of our present system.*

An Act to organize the Militia throughout the State of South-Carolina, in conformity with the Act of Congress. Passed May 10, 1794.

Whereas, it is necessary to organize the militia of this state in conformity with the act of Congress in that case made and provided:

Be it therefore enacted by the honorable the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this act, the whole of this state shall be divided

The state divided into divisions and brigades.

into two divisions,* and to each division there shall be a major-general; one of which divisions shall comprehend the districts of Charleston, Georgetown, Beaufort, Cheraw, Camden and Orangeburgh, except the Dutch Fork between Saluda and Broad Rivers; and the other shall comprehend and include the districts of Ninety-six, including the Dutch Fork between Saluda and Broad Rivers, Washington and Pinckney; and in the first division there shall be five brigades, one for Charleston district, except Colleton county regiment; one for Beaufort and Orangeburgh, including Colleton county regiment; one for Georgetown, one for Cheraw, and one for Camden district; in the second division there shall be four brigades, one for Abbeville and Edgefield counties, one for Laurens and Newberry counties, including the Dutch Fork, one for Washington District, and one for Pinckney district: and that as soon as the Governor or Commander-in-chief of this state shall be informed of the organization and arrangement of the militia regiments of this state, agreeable to the provisions made by this act, he be, and is hereby authorized and required to issue his proclamation, notifying the same, from and immediately after which the militia commissions of all such persons as shall not be re-elected and confirmed in the rank and grade they may hold under the laws of this state, shall be vacated; but that every person who shall be re-elected and confirmed in such commission as he holds in the militia of this state, shall retain such commission, and take rank from the date thereof.

Officers re-elected to retain their commissions.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the legislature, on the first organization of the militia of this state, under this act, shall choose by ballot the major-generals, brigadier-generals and adjutant-general; which adjutant-general shall be of the rank of lieutenant-colonel.†

Major-generals &c. to be elected by the legislature.

Sec. 3. *And be it further enacted by the authority aforesaid*, That as soon as the several brigadier-generals are notified by the governor, of their election, they shall proceed to divide their respective brigades into regiments, and that after they have made such division, they shall appoint five fit and proper persons in each regiment, whose duty it shall be to divide the respective regiments into battalions and companies, as nearly as conveniently may be, conformably to the act of congress.‡

Brigades to be divided into regiments, battalions, and companies.

Sec. 4. *And be it further enacted by the authority aforesaid*, That as soon as the respective regiments, battalions and companies, are marked off and designated, the brigadier-general of

Lieutenant-colonel and 2 majors to be elected.

* Altered by Act of 21st December, 1814, sec. 1, into 5 divisions, and 10 brigades.

† Adjutant-general's commission limited to four years, by Act of 19th Dec. 1833, sec. 2.

‡ See Act 19th Dec. 1795, sec. 1, how to proceed where parties are not satisfied with the division made under this act. For the general regulations on the subject of inequalities of beats and regiments, see Act 20th Dec. 1832, sec. 1.

each district respectively, shall direct a regimental muster, as well of those men liable to do duty in time of alarm as at common musters, to be held (giving at least fifteen days notice thereof) at the most central part of the regimental district, for the election of a lieutenant-colonel and two majors, and shall appoint proper persons to open and hold a poll from the hours of nine o'clock in the morning to five o'clock in the afternoon, for the election of the said officers respectively; and that the persons having the greatest number of votes for lieutenant-colonel, shall be commissioned as lieutenant-colonel, and the persons having the greatest number of votes as majors, shall be commissioned as majors of the respective regiments and battalions; and that the said brigadier-general shall appoint proper persons in each company, who shall, within five days after the said election of field officers, hold an election for a captain, lieutenant and ensign in each company, in manner aforesaid; and the persons having the greatest number of votes in each company, shall be commissioned as officers thereof, or retain their former commissions, as the case may be, according to the grade to which they shall be severally elected. *Provided always nevertheless*, That wherever there shall be any company of artillery, cavalry or infantry, associated, uniformed and in commission, which, on the twentieth day of June next, shall consist of at least forty effective rank and file, it shall be lawful for such company to meet and vote for their officers; and the persons duly elected by a majority of votes, shall retain their commissions, or be commissioned by the governor, as the case may be, to such grade as they shall be respectively elected to. And that all other officers of the Charleston regiment, as well field as battalion officers, shall be elected by the regiment at large; and no person shall be considered as elected, who shall not have a majority of the votes of the persons voting: *Provided also*, That the men composing the uniform companies, shall not be entitled to vote for the captains, lieutenants and ensigns of the other companies, to be elected by virtue of this act.

Company officers to be elected.

Uniform corps of forty men to elect their officers.

Sec. 5. *And be it further enacted, by the authority aforesaid*, That in case of any contested election, the validity of the same, (in the election of field officers,) shall be referred to the brigadier-general of the brigade, who shall call to his assistance two field officers of some other regiment of his brigade, not interested in the event of the dispute:* and in the election of captains, lieutenants and ensigns, shall be referred to the field officers of the regiment to which they belong; and all elections of officers made in pursuance of this act, shall be returned, on oath, by the managers, to the governor.

Contested elections, to whom to be referred.

* If the party is dissatisfied with the decision of the brigadier and field officers, he may appeal to the major-general and a board of field officers. Act 19th Dec. 1795, sec. 2.

How to proceed where the person elected brigadier-general resides out of the state.

Sec. 6. *And be it further enacted by the authority aforesaid*, That if any person who shall be elected a brigadier-general by virtue of this act, shall be without the limits of the state, it shall be the duty of the major-general of the division to do and perform the duties enjoined on the said brigadier-general; and in case of his sickness or inability to attend, it shall be lawful for the governor or commander-in-chief for the time being, to commissio :, under his hand and seal, some fit and proper person to execute the duties imposed by this act, so far as regards the division of the brigades and election of officers.

All officers to reside within their commands, except in Charleston.

Sec. 7. *And be it further enacted, &c.* That all the officers who shall be appointed by virtue of this act, shall reside within their respective commands; and on their removal therefrom, their commissions shall be vacated:* *Provided*, That the restrictions as to residence, shall not extend to the officers of the Charleston† regiment or regiments, but that a residence within the city shall be sufficient. That the major-generals shall have the right to appoint their respective aids-de-camp, and that the brigadiers shall have the right to appoint their respective aids-de-camp, who shall have the rank of captain; and they shall also have the right to appoint their respective brigade inspectors,‡ who shall be approved of by the major-generals of the division; that the regimental staff shall be appointed by the lieutenant-colonels respectively, and be approved of by the brigadier; and that all officers so to be nominated and appointed as aforesaid, shall be commissioned by the governor, who shall be authorized to appoint all other officers;§ and that in case of vacancy by death, resignation or otherwise, the brigadiers shall rise in their respective divisions, the lieutenant-colonels commandant, in their respective brigades, the majors in their respective regiments, the captains in their respective battalions, and the subalterns in their respective companies by seniority of commission.

General officers to appoint their aids-de-camp and brigade inspectors

Staff officers to be appointed by the colonels

Pay of brigade inspectors.

Sec. 8. *And be it further enacted by the authority aforesaid*, That each brigade inspector shall receive for his pay fifty pounds per annum, exclusive of the pay he may be entitled to receive when called into actual service.‖

Captains to appoint sergeants and corporals.

Companies, places of rendezvous and times of muster

Sec. 9. *And be it further enacted by the authority aforesaid*, That all sergeants and corporals shall be appointed by the captains of the different companies; and that each and every company created by virtue of this act, shall have a place of rendezvous, at which they shall respectively assemble once in every two months, except in Charleston, Georgetown and Camden,

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* See A. A. 17th Dec. 1831, where dividing line passes through a town or village.

† Extended to Georgetown. A. A. 16th Dec. 1797, sec. 14.

‡ This officer also made brigade major by act of Congress, 8th May, 1792

§ Rest of this clause repealed by A. A. 19th Dec, 1816. sec, 1.

‖ Repealed by 13th sec. of the Appropriation Act of 1815.

where they shall assemble once a month* by companies, for the purpose of training, disciplining and improving in martial exercise, and shall not be kept at the place of exercise more than one day at a time; and that each battalion shall be obliged to rendezvous in like manner for the same purpose, not oftener than twice a year, either in battalion or regiment, in such place as the brigadier shall think proper, and shall not be kept at the place of exercise more than one day at a time.

Persons to be enrolled at the age of 18.

Sec. 10. *And be it further enacted, &c.* That every captain or commanding officer of a company, shall also enrol every citizen who shall from time to time arrive at the age of eighteen years, or come to reside within his beat, and without delay notify such enrolment to such citizen so enrolled, by some non-commissioned officer of the company, who shall be a competent witness to prove such notice; that all disputes that may happen with respect to the age or ability of any person to bear arms, shall be determined by the captain or commanding officer of the company, with a right of appeal by the person who may conceive himself aggrieved, or by any other person belonging to the company, to the lieutenant-colonel or commanding officer of the regiment.

Marching out of the state in cases of emergency.

Sec. 11. †*And be it further enacted by the authority aforesaid,* That the commander-in-chief for the time being may, in case of invasion or other emergency, when he shall judge it necessary, order out any proportion of the militia of the state, to march to any part thereof, and continue as long as he may think it necessary; and likewise may, in consequence of an application from the executive of any of the United States, on an invasion, or an apprehension of an invasion of such state, at his discretion, order any number of the militia, not exceeding one third part thereof, to such state: *Provided,* That they be not compelled to continue on duty out of this state more than two months at any one time; that whilst in actual service in consequence of being so called out, they shall receive the same pay and rations, and be subject to the same rules and regulations as the troops of the United States of America: *Provided,* That upon any transgression or offence of a militia man, whether officer or private, against the rules and regulations of the federal army, the cause shall be tried and determined by a court martial of the militia of this state, and that it shall be in the power of the governor, or in case of his absence, of the commanding officer of the militia of this state, to mitigate, suspend or pardon any punishment to which any militia man be sentenced by a general court martial.

Pay when in service.

Militia to be called out, in cases of invasion.

Sec. 12. *And be it further enacted, &c.* That it shall and may be lawful to and for any major-general, or brigadier-general, or commanding officer of a brigade, or lieutenant-colonel commandant, or commanding officer of a regiment, when, and as often as any invasion may happen, to order out the militia under their

* Altered to six times in the year by A. A. 19th Dec. 1833, sec. 1?.

† This Section altered by A. A. 24th Sept. 1813, sec. 1.

respective commands, for the defence of this State, giving notice of such invasion, and every circumstance attending the same, as early as possible to their immediate commanding officer, by whom such information shall be transmitted to the governor or commander-in-chief by express, the expense of which shall be immediately paid; and that in case of insurrections, the commanding officer of the regiment or battalion within the limits of which any such insurrection may happen, shall immediately assemble his regiment or battalion under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the major-general of the division, and to the governor, or commander-in-chief, shall proceed to take such measures to suppress such insurrection as to any three of the judges or justices of the county or district in which such insurrection shall happen, shall appear most proper and effectual; and if any person be wounded or disabled while in actual service in opposing any invasion or insurrection, or in suppressing the same, he shall be taken care of and provided for at the public expense, without regard to the rank such person may hold.

And whereas, It is proper to ascertain the compensation which shall be allowed to the militia when they may hereafter be called out into actual service by order of the executive authority of the state:

Pay of the militia when called out into service

Sec. 13. *Be it further enacted by the authority aforesaid*, That in future, when the militia of this state, or any part thereof, shall be called out into service within this state, by the authority of the laws thereof, each commissioned officer shall be entitled to, and shall receive the same pay and rations as are allowed to the officers of the same rank of the federal army by the laws of the United States; that the pay of a sergeant, drum-major, and fife-major, in lieu of all other demands, shall be eight dollars per month; and the pay of a corporal, bugler, trumpeter, drummer and fifer, in lieu of all other demands, shall be seven dollars per month; and the pay of a private, in lieu of all other demands, shall be six dollars and a half per month, besides rations; to be provided for in the tax bill of the year in which the service shall be performed.*

Return to be made when required.

Sec. 14. *And be it further enacted, &c.* That the brigade inspectors, whenever required by the brigadier-general of the brigade, shall make a return of the militia of the brigade to which he belongs, to the said brigadier-general; and the brigadier-general shall, whenever required by the major-general of the division to which he belongs, make a return of the militia of their respective brigades to the said major-general; and the major-generals shall, whenever required by the governor or commander-in-chief, make a return of the militia of their respective divisions to the said governor or commander-in-chief.

*The A. A. 24th September, 1813, sec. 5, makes the pay, &c. the same as allowed U. S. troops.

Sec. 15. *And be it further enacted, &c.* That every master or other person who hath the power over, government or command of any white apprentice or man servant, shall, at his or their own proper costs and charges, furnish and provide every such apprentice or man servant liable to do militia duty, during his servitude, with the arms and accoutrements directed by the aforesaid act of congress; and every master or other person as aforesaid, shall constantly keep such arms and accoutrements as aforesaid for every such apprentice or servant, and shall compel him or them, so completely armed and accoutred as aforesaid, to attend all musters, trainings and exercises directed by this act; and in case such apprentice or servant shall not appear, or his arms and accoutrements shall be found deficient, the master or other person as aforesaid, having the government of such apprentice or servant, shall, on default made in any of the premises, be subject to the same forfeitures and penalties as are inflicted on other persons made liable by this act to appear and bear arms at exercises, musters and trainings: *Provided always*, That if any such servant as aforesaid, who shall be duly furnished and provided as is before directed, and shall be sent to muster by the master or other person, under whose government such servant shall be, shall, of his own accord, and contrary to the will and without the consent of the master, or such other person as aforesaid, neglect to appear at any muster, training or exercise appointed by this act, the master or other person, under whose government such servant may be, shall be liable to the penalty by this act inflicted for the default of such servant; and every such servant so offending, shall be obliged to serve his master two weeks for every penalty so paid by his said master or other person; and if any person shall embezzle, sell or make away with the arms so to be provided for him, he shall be liable to make his master, or other person under whose government he may be, full satisfaction.

White apprentices and male servants to attend musters.

Sec. 16. *And be it further enacted, &c.* That no civil officer whatsoever, shall on any pretence, execute any process,* (unless for treason, felony, or breach of the peace) on any person whatsoever, at any muster or other time, when such person shall be obliged to bear arms in pursuance of the directions of this act; nor in going to, or returning from any muster or place of rendezvous, or within twenty-four hours after such person shall be discharged from appearing in the regiment, company or troop to which he shall belong, under the penalty of five pounds sterling;

No civil process to be executed on persons attending musters.

* Under our act, avoiding the service of all process served on any person at any muster, or other time, when such person shall be obliged to bear arms in the militia, or in going to or returning from any muster or place of rendezvous, or within twenty-four hours after such person being discharged from such service, includes as well *bail* writs as any other process.—*Gregg v. Summers*, 1 *M'Cord*, 461.

A writ may be lawfully served, whilst the defendant is attending a militia muster, by leaving a copy at his residence. The act of 1794 was intended to prohibit *personal* service of process only.—*Hunter v. Hunter*, 1 *Bailey*. 646.

and the service of any such process shall be void to all intents and purposes whatsoever; and all arms and accoutrements which, by this act, are required to be provided, also the troop-horse of each trooper duly entered and registered with the captain of the troop, so long as said trooper shall continue in the troop, shall not be liable to be seized, distrained or taken in execution for any cause, matter or thing whatsoever. And in case any person shall seize, levy or distrain upon any such arms, accoutrements, or horse, every such person shall forfeit the sum of ten pounds sterling money, to be recovered in any court of record in this state.

Fines for not attending musters.

Sec. 17. *And be it further enacted by the authority aforesaid,* That every lieutenant-colonel, who shall wilfully neglect to turn out at a regimental muster, shall be fined in a sum not exceeding ten pounds, and also a sum not exceeding five per cent. on the amount of his last general tax; and that every major who shall wilfully neglect to turn out at a regimental or battalion muster, shall be fined in a sum not exceeding eight pounds, and also a sum not exceeding five per cent. on the amount of his last general tax. That every captain who shall wilfully neglect to turn out at a regimental or battalion muster, shall be fined in a sum not exceeding six pounds, and also a sum not exceeding five per cent. on the amount of his last general tax. That every subaltern officer who shall wilfully neglect to turn out at a regimental or battalion muster, shall be fined in a sum not exceeding four pounds, and also a sum not exceeding five per cent. on the amount of his last general tax; and that every non-commissioned officer and private, who shall wilfully neglect to turn out at a regimental or battalion muster, shall be fined in a sum not exceeding fourteen shillings, and also a sum not exceeding five per cent. on the amount of his last general tax. That every captain who shall wilfully neglect to turn out at an ordinary muster, shall be fined in a sum not exceeding thirty shillings, and also a sum not exceeding two and one half per cent. on the amount of his last general tax. That every subaltern officer who shall wilfully neglect to turn out at an ordinary muster, shall be fined in any sum not exceeding one pound, and also a sum not exceeding two and one half per cent. on the amount of his last general tax; and that every non-commissioned officer and private, who shall wilfully neglect to turn out at an ordinary muster, shall be fined in any sum not exceeding seven shillings, and also a sum not exceeding two and one half per cent. on the amount of his last general tax.*

Fines for disobedience of orders.

Sec. 18. *And be it enacted by the authority aforesaid,* That every non-commissioned officer and private, who shall neglect or refuse to obey the order of his superior officer, while under arms, shall forfeit a sum not exceeding one pound for every such of-

* This section is altered by A. A. 17th December, 1808, sec. 4. Also by A. A. 19th December, 1833.

fence, and if any such non-commissioned officer or private, enrolled to serve in either of the companies of artillery, infantry or cavalry, shall refuse or neglect to perform such military duty or exercise as he shall be required to perform, or shall depart from his colours or guard, without the permission of his superior officer as aforesaid, he shall forfeit a sum not exceeding one pound; and for the non-payment thereof, the offender shall be committed by warrant from the captain or commanding officer of the troop or company then present, to which such offender doth belong, or under whose command he may be, to the next gaol, there to be confined until the fines as aforesaid, together with the gaoler's fees, are paid; and the respective sheriffs of the city, and respective districts and counties of this state, are hereby empowered and required to receive the body or bodies of such offender or offenders as shall be brought to them by virtue of a warrant or warrants under the hand and seal of such officer as aforesaid, and him or them to keep in safe custody until such fines as are mentioned in such warrant, together with the gaoler's fees as aforesaid, shall be paid; and the sheriffs and gaolers respectively, shall be allowed the same fees as are allowed in other cases: *Provided always*, That the person so confined, shall, at the end of five days, or any shorter time, for which they may have been committed, be released, on their swearing that they are unable to pay the fines and fees herein before directed to be paid.*

Sec. 19. *And be it further enacted by the authority aforesaid*, That the military uniform of this state shall be as follows, that is to say: General officers, dark blue coats with buff coloured facings, linings, collars and cuffs, gold epaulets and yellow buttons, with buff coloured under clothes. Regimental officers of infantry, dark blue coats, with such coloured linings, facings, collars and cuffs, epaulets and buttons, as shall be determined on by the major-general of each division.† Military uniform of this state.

Sec. 20. *And be it further enacted, &c.* That all fines which shall be imposed in any regiment, corps, company or troop, shall be paid into the hands of the pay-master, or person acting as such, of such regiment, corps, company or troop, and be paid and appropriated by warrant under the hands of a major part of the field officers, or commanding officer of the corps, or captain or commanding officer of the company or troop, as the case may be, for the purpose of providing colours, drums, bugles, fifes and trumpets, for their respective battalions, corps, companies and troops, and carrying expresses relative to military matters, and for the purchasing and providing arms and accoutrements for such of the men of the respective battalions, corps, companies and troops as are or shall be unable to furnish and provide themselves therewith; and that it shall be the duty of the pay-master, or person acting Appropriation of fines.

* Altered by A. A. 19th Dec. 1794, sec. 7.

† Altered by A. A. 13th Dec. 1815, sec. 7. Also by A. A. 19th Dec. 1833, sec. 47.

as such, of each respective battalion, corps, company or troop, once in every year, to render an account to the brigadier or the officer commanding the brigade, of all his receipts and expenditures in pursuance of this act.*

Arms and accoutrements.

Sec. 21. *And be it further enacted by the authority aforesaid,* That every free white man of this state, liable to bear arms in any of the regiments, corps, companies or troops in this state, who shall appear at any regimental or battalion muster, or at any company muster, ordered in pursuance of this act, not provided, accoutred and armed according to the act of congress, entitled, "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," passed the 24th October, 1791, shall forfeit and pay for each any every such default, a sum not exceeding five shillings, or the sum of two shillings and four pence for each article of arms or accoutrements required by the last mentioned act;† that all fines shall be inflicted on non-commissioned officers and privates by the judgment of the majority of the commissioned officers of the company in which the offender is enrolled;‡ That a major-general shall be tried by a major-general to preside, and four brigadier-generals; but if the attendance of a major-general cannot conveniently be procured, then by five brigadier-generals, and in such case the eldest of such brigadiers to preside; that a brigadier-general shall be tried by one or more brigadier-generals, and by four field officers; that a lieutenant-colonel shall be tried by an officer, not under the rank of a lieutenant-colonel, and four field officers; that a major shall be tried by an officer not under the rank of a field officer, and four officers not under the rank of captain;§ that all non-commissioned officers and privates be tried by not less than three commissioned officers.‖ Each member of a court martial is hereby enjoined to take the following oath or affirmation: "I do swear, (or affirm, as the case may be) that I will not divulge the sentence of the court, until the same shall be approved of or disapproved; neither will I, upon any account, or at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof by a court of justice in a due course of law. So help me God."¶—And any member of the court is authorized to tender the above oath to the other members. The governor or commander-in-chief shall appoint courts martial on general offi-

Court martial.

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* Altered by A. A. 19th Dec. 1833.

† Altered by A. A. 19th Dec. 1833, sec. 43.

‡ Altered by A. A. 16th Dec. 1815, sec. 2. Also by A. A. 19th Dec. 1833, sec. 30

§ Altered as to battalion court martial, by A. A. 19th Dec. 1816, sec. 9. See also A. A. 19th Dec. 1833, sec. 30.

‖ Altered by A. A. 19th Dec. 1833, sec. 30.

¶ For additional Oath, see A. A. 16th Dec. 1813, sec. 1.

cers; the major-generals shall appoint division courts martial in their respective divisions; the brigadier-generals shall appoint brigade courts martial in their respective brigades; the lieutenant colonels shall appoint regimental courts martial in their respective regiments; and the majors, battalion courts martial in their respective battalions.* And no sentence of a court martial shall be put in force without the same be approved by the officers appointing the same, or by the commanding officers respectively for the time being.

Court of Enquiry.

Sec. 22. *And be it further enacted by the authority aforesaid,* That if the conduct of any officer should be represented to the governor or commander-in-chief, or to either of the major-generals of the division, brigadier-general of the brigade, or commanding officer of the detachment, to be so unmilitary and unbecoming an officer, as to deserve being cashiered, it shall be lawful for the governor or commander-in-chief, major-general of the division, brigadier-general of the brigade, or commanding officer of the detachment, as the case may be, to order a court of enquiry, and if on such court of enquiry, it shall appear that there is foundation for the charge, to have a court martial held, who shall make such order in the business as they shall think consistent with military rule: *Provided nevertheless,* That such court of enquiry shall never consist of less than three officers, one of whom at least shall be of the rank of the person accused.

Persons exced from doi duty.

Sec. 23. *And be it further enacted by the authority aforesaid,*† That persons of the following professions and descriptions shall be excused from militia duty, except in times of invasion or alarm, to wit: the lieutenant-governor for the time being, the members of both branches of the legislature, and their officers, the judges, commissioners, registers and clerks of the several superior courts of law and equity, and county courts; the commissioners of the treasury and their clerks, the secretary of this state and his deputies, the attorney-general, the three circuit solicitors, the surveyor-general and his deputy, residing either in Charleston or Columbia; the ordinaries and registers of the several districts, the sheriffs and gaol keepers in the several counties and districts, all continental officers who were deranged, or who served to the end of the war; all regular clergymen of any sect or denomination, all persons holding any office or commission under the United States, all acting magistrates, all regular bred practising physicians and surgeons, all school masters, who shall have under their tuition not less than fifteen scholars; all students at school or at college, the intendant and wardens of Charleston and Camden, their treasurers, and the officers of their courts; all branch pilots for the several ports, one white man to each established ferry or toll-bridge, one white man to each wa-

* Altered by A. A. 19th Dec. 1833, sec. 30.

† This section altered by A. A. 19th Dec. 1833, sec. 46.

ter grist mill, wind mill, fulling mill or oil mill, three white men to each forge, and five to each furnace erected or to be erected at any iron mine or mines in this state, who shall constantly reside and work at the same; and all persons under the age of eighteen nnd above the age of forty-five years; and all militia officers who have held their commissions for seven years.

Sec. 24. *Whereas* a doubt has arisen, whether aliens and other transient persons, who have resided, or may reside in this state for a considerable length of time, and enjoy the benefit and advantage resulting from the organization of the militia of this state, are liable to perform militia duty: And whereas it is but just and reasonable that those whose property is secured by the care and watchfulness of the community in which they reside, should contribute to its protection:

Aliens or transient persons liable to do militia duty.

Be it enacted by the authority aforesaid, That all free white aliens,* or transient persons, above the age of eighteen and under the age of forty-five years, who have resided, or hereafter shall or may reside in this State for the term of six months, shall immediately thereafter be, and are hereby declared to be subject and liable to do and perform all patrol and militia duty which shall or may be required by the commanding officer of the beat or district in which such alien or transient person shall reside, and be subject and liable to all pains and penalties inflicted by this act; any law, usage or custom to the contrary thereof in any wise notwithstanding: *Provided always*, That nothing contained in this act, shall be construed to extend to or affect in any way or manner the natural born citizen of any state or potentate, who shall be actually engaged in war with the United States, or to compel such alien or transient person to serve on patrol or militia duty out of the particular district of the regiment to which he shall or may be attached, nor to natural born and bona fide French citizens, (not being citizens of the United States) who are by treaty exempt from all personal service.†

Militia to be called out in case of invasion or insurrection, and alarm to be made and published.

Sec. 25. *And be it further enacted by the authority aforesaid*, That if the governor or commander-in-chief for the time being, receive advice from any person or persons in authority in this state, or other creditable person or persons in foreign parts, or if he shall receive any information, upon oath, from any credible person or persons within this state, that any foreign enemy or armed force intend suddenly to invade the state; or if any dangerous insurrection or rebellion be actually raised within this state, which cannot be suppressed by one single company, the governor or commander-in-chief for the time being, may raise and assemble such and as many of the divisions, brigades, battalions, regi-

* The A. A. 1794, requiring aliens to do militia and patrol duty, is neither against the constitution, nor against the laws of nations.—*Ansley v. Timmons*, 3 *M'Cord*, 329.

† This treaty has expired—French aliens are therefore liable, like others, to do militia duty.

ments, troops and companies, by this act directed to be formed, as he shall think sufficient and able to suppress and repel such invasion, rebellion, or insurrection as may happen; and for the more effectual execution thereof, he may make and publish, or cause to be made and published, an alarm throughout the whole state, by firing six guns, two at a time, at three minutes distance; or by sending orders and expresses to the general officers, field officers, and other officers of the militia, to raise their several and respective divisions, brigades, regiments, troops, companies, or such part of them as shall be ordered and directed to march and rendezvous at such proper time and places within the state, as the governor or commander-in-chief for the time being shall think fit; and the said alarms shall be carried on throughout the whole state, by all the commissioned officers of the militia, by firing three small arms at convenient intervals, from place to place, and by speedily raising their several corps, and taking all other proper and effectual measures, to give notice of the motion of the enemy, and forwarding with the utmost expedition, all necessary information to the governor or commander-in-chief, and by putting in execution all such orders as they shall receive from their superior officers.

On sight or information of an enemy, alarm to be made with small arms.

Sec. 26. *And be it further enacted by the authority aforesaid*, That on the sight of the enemy, or on information of an enemy appearing, or mischief done by an enemy from any white man of credit, who hath seen the same, of the credit of which informer the officer to which information is given, shall be a judge, an alarm shall be made by any commissioned officer, by firing three small arms; and every alarm shall be carried on by all persons hearing or having knowledge of the same, by firing three small arms distinctly as usual; and the said officer who fired the alarm, shall assemble the corps of which he is an officer, by beat of drum, or by ordering them to warn their next neighbours, or otherwise, till the corps can be got together; and the commanding officer of the said corps, shall, with all convenient speed, dispatch two expresses, one to the governor or commander-in-chief, and the other to the next field officer of the regiment to which the said corps belong, with an account of the cause of alarm so made; upon which notice the said field officer shall dispatch two expresses, with an account of the same, one to the brigadier of the brigade, and the other to the major-general of the division; the field officer who shall receive the information as aforesaid, shall have power to assemble any number of men of the battalion or regiment, as the case may be, to which he belongs, to march to the assistance of any of the inhabitants of the state who are in danger.

Penalty for refusing or neglecting to give information of the approach of an enemy.

Sec. 27. *And be it further enacted by the authority aforesaid*, That if any person liable to bear arms, shall, in time of such alarm, neglect or refuse to use his utmost endeavours to convey and communicate the said alarm or notice of the enemy's approach, every such person shall forfeit and pay a sum not exceed-

ing fifty pounds sterling; and in case any such person, after he hath notice of an alarm, does not forthwith repair, completely armed and accoutred as aforesaid, with all convenient speed, to the place where the regiment, troop or company to which he shall belong, shall be appointed to rendezvous, every such person shall forfeit a sum not exceeding twenty pounds sterling money; and in case the company or troop to which such person shall belong, shall actually engage and fight with the enemy before such person shall appear in the said regiment, troop or company, in every such case, the person not appearing as aforesaid, shall forfeit a sum not exceeding forty pounds sterling money.

Officers may assemble any number of their corps, to suppress the attempts of an enemy.

Sec. 28. *And be it further enacted by the authority aforesaid,* That every commissioned officer in the militia, has power, when occasion shall require, to assemble, arm and raise any number of men belonging to their respective corps; and if need be, to give notice and call to their aid the officers and men of any adjacent corps, to disperse, suppress, kill, destroy, apprehend, take or subdue any pirate, sea rover, Indian, or other enemy, who shall, in a hostile manner, hurt or attempt to hurt, any of the inhabitants of this state in their persons or possessions, or any company of slaves who shall be met together, or who shall be lurking in any suspected place where they may do mischief; or who shall have absented themselves from the service of their owners; and in case any person liable to bear arms, shall on such occasion, neglect or refuse to appear, upon notice given by any commissioned officer of the troop or corps to which such person belong, or appearing, shall not attend and obey the said officer, he shall, for every such neglect or refusal, forfeit the sum of two pounds sterling.

Penalty in case of neglect

In case of invasion, &c. part of every company shall remain in the respective parishes or divisions to which they belong, & be formed into patrols, &c.

Sec. 29. *And be it further enacted by the authority aforesaid,* That in times of invasion or insurrection, when it shall be found necessary to march the several regiments, troops or companies, or any of them, out of their proper parishes, counties or districts, one fourth part at least of every company in this state, shall stay, and remain in the respective parishes and divisions to which they belong, and shall be formed into patrols under the command of such officer as the commissioned officers of the companies shall direct and appoint, under whose command respectively, they shall continue until the rest of the company shall return to their habitations, and shall be discharged from bearing arms; and the patrol so formed shall be obliged to be on constant duty, and to ride and patrol, and guard the plantations, and keep the slaves within their several parishes and division in good order, and shall place proper guards, watches and centinels, at proper and convenient places, to give notice of danger, or for the more speedy conveying advice and intelligence to the governor or commander-in-chief, or any army raised and assembled by his command; and in case any person or persons obliged to serve in such patrols, shall refuse or neglect to ride patrol, or to watch, stand centinel, or to keep guard, or shall refuse to obey the lawful commands of any person appointed to command such patrol, every person so offen-

Penalty in case of neglect

ding shall forfeit any sum not exceeding fifteen pounds sterling money.

Sec. 30. *And be it further enacted by the authority aforesaid*, That in time of invasion, rebellion, or insurrection, when any person shall receive orders to march out of their parish, county, district or division, the captain or other commanding officer, who shall be present, shall cause the names of all the persons who are entered, enlisted and enrolled in the muster roll of such company, (officers excepted) to be written down on small scrolls of paper, which shall be folded up and put into a hat, and shall be shaken together, and the clerk or sergeant of the said company shall draw out of the hat the names of so many persons as will not exceed three fourth parts of the said company; and the persons whose names shall be so drawn, shall be obliged to march according to such orders as shall be given by the governor or commander-in-chief, and the rest whose names shall be left in the hat, shall stay in their respective parishes or divisions, and shall do the duty of the patrol as before directed; but no officer of any company shall be excused from marching with the company for which he is appointed, unless by particular orders from the governor or commander-in-chief; and in that case such officer so directed to stay, shall be commanding officer of that part of the company left for the patrol duty. If any person whose name is drawn as aforesaid, and is thereby obliged to march out of his parish or division, can provide an able bodied man, (to be approved by the majority of the officers of the company to which such person belongs) completely armed and furnished according to the directions of this act, every such person shall be permitted and at liberty so to do; and upon producing and sending out such able bodied man in his stead, he shall be excused from going out or marching in person; but nevertheless he shall be obliged to do patrol duty in his district; and in case of disobedience, neglect or refusal to ride in such patrol, he shall be liable to all the pains, penalties and forfeitures inflicted by this act.

Manner of ascertaining those men who shall leave their respective parishes.

No officer shall be excused, unless by particular orders.

Substitutes allowed.

Sec. 31. *And be it enacted by the authority aforesaid*, That in time of an alarm, occasioned by any insurrection, rebellion, or invasion, all field officers, and captains of every company, are empowered, by themselves or their warrants to any inferior officer or soldier, to impress any arms, ammunition, provisions, horses, waggons, carts, boats, canoes, pettiaugers and vessels, with their furniture, or whatever other thing they shall want or have need of for the service of this state: *Provided*, all such things so impressed, be by the said officers brought before three or more indifferent persons, being free holders, to be appraised and valued before they be disposed of for the public service; and such valuation and appraisement being made, the officer shall give a receipt for the same if he conveniently can; and the officer is to cause his clerk to enter the same in a book to be kept for that purpose; and the said appraisers shall ascertain any loss or damage that

In case of invasion, &c. arms, &c. to be impressed.

Appraisement to be made of things impressed.

may happen to the thing so impressed, or allow a competent hire for the same when returned to the owner, as the case shall require, and shall give such appraisement, under their hands, to the owner, directed to the public treasurers, who are to lay the same before the legislature; and the commanding officer, or captain of each company, after such alarm shall be over, and before such company shall be discharged, is to order so many men as he shall think fit, to carry the several things by him impressed, to the respective owners, who, upon re-delivery of the same, shall give a receipt. The officer is likewise empowered to draw on the public treasury for so much money as he shall think fit the carriage of the several things deserves.

Things impressed to be kept an account of.

Sec. 32. *And be it further enacted by the authority aforesaid*, That the commanding officer, or commander of each company shall lodge in some convenient and secure place for the public use, all the provisions and ammunition impressed by him or by virtue of his warrant, that shall remain unexpended after an alarm, and must keep a particular account thereof.

Free persons of color liable to do duty as fatigue men and pioneers.

Sec. 33. *And be it further enacted by the authority aforesaid*, That all free negroes and Indians, (nations of Indians in amity with the state excepted) Moors, Mulatoes, and Mustizoes, between the ages of eighteen and forty-five, shall be obliged to serve in the said militia as fatigue men and pioneers* in the several regimental beats in which they reside; and upon neglect or refusal to attend when summoned on duty, they and every one of them shall be liable to the like penalties and forfeitures as privates in the same regiment or company are made liable by law.

Members of uniform companies subject to all fines, &c. imposed by law and must give thirty days notice of their intention to leave their companies.

Sec. 34. *And be it further enacted by the authority aforesaid*, That the officers and privates in any company of artillery, infantry or cavalry, raised and uniformed in any militia regiment of this state, by permission of his excellency the governor, or any lieutenant-colonel, or commanding officer of any regiment, or to be hereafter raised, shall be respectively liable to all the fines and forfeitures imposed by law on the officers or privates in any regimental or company beat, and that when any person now actually enrolled, or that shall hereafter be enrolled in any such company, shall be desirous to quit the same, he shall be obliged to give at least thirty days† notice of such intention, and shall be obliged also to enrol himself in the company beat in which he resides, or in some other company of artillery, infantry or cavalry of the regiment to which he belongs, and produce a certificate thereof from the captain or officer commanding such beat or company, before he shall be permitted to leave the uniform company or corps to which he belonged, or be excused from duty therein.‡

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* Repealed as to their acting as pioneers by A. A. 20th Dec. 1823, sec. 13.

† Altered to six months by A. A. 20th Dec. 1800, sec. 3.

‡ See A. A. 17 Dec. 1808, sec. 14, for the penalty where persons remove from their company or beat to any other part of the State, without enrolling *himself in* some company or beat in the place to which he removed.

Companies may be summoned to mount guard.

Sec. 35. And whereas, the safety of the city of Charleston requires the calling forth at certain times and seasons, one or more companies of the militia of the said city:

Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the governor, or commander-in-chief, for the time being, or the major-general of the division, or brigadier of the brigade in which Charleston is comprehended, or the commanding officer of the Charleston regiment for the time being, to call forth, when necessary, such and so many companies, or detachments of companies, to mount guard in the said city, as to them shall respectively appear necessary and proper: *Provided*, that no guard shall be obliged to continue on duty at any one time, except in case of actual alarm, more than twenty-four hours on one guard; and every person duly summoned to turn out on any such guard, who shall not obey, or who shall leave his guard, or otherwise misbehave, shall be liable to pay the same fines and forfeitures as such person would be obliged to pay for default of duty by non-attendance or misbehaviour, at any battalion or regimental muster by virtue of this act.

Officers to be furnished with this act, the act of congress, Steuben's military discipline, and the articles of war.

Sec. 36. *And be it further enacted by the authority aforesaid*, That every commissioned officer, who, at the original organization of the militia, agreeable to this act, shall be appointed in pursuance of the same, and accepts his commission, shall be furnished, at the expense of this state, with a copy of this law, the act of congress to provide for the national defence, and establishing an uniform militia throughout the United States, Baron Steuben's military discipline, and the articles of war, all bound together in a small convenient pocket volume; and that the senior major-general, elected in pursuance of this act, is hereby authorized and empowered to contract for procuring the same on the best and cheapest terms.*

Persons sued on account of this act, may plead the general issue.

Sec. 37. *And be it further enacted by the authority aforesaid*, That if any person or persons whosoever, shall be sued, impleaded, molested or prosecuted, for any matter, cause or thing, done or executed, or cause to be done or executed, by virtue of or in pursuance of this act, and all and every person or persons who shall or may, by the command, or in aid or assistance of any person who shall do or execute, or cause to be done or executed, any matter or thing by virtue of or in pursuance of the direction of this act, shall and may plead the general issue, and give this act and the special matter in evidence; and in case the plaintiff shall suffer a discontinuance, enter a *noli prosequi*, suffer a nonsuit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, or for whom judgment shall pass, his full double costs of suit.

Former militia laws repealed.

Sec. 38. *And be it further enacted by the authority aforesaid*, That all laws heretofore enacted in this state respecting the mili-

* Obsolete—A new system of tactics adopted by A. A. 20th Dec. 1832, sec. 13.

tia, shall be, and the same are hereby repealed, except such laws or parts of laws as respect the Charleston battalion of artillery.*

In the Senate House, the tenth day of May, in the year of our Lord one thousand seven hundred and ninety-four, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

An Act for establishing the annual salaries of the powder inspectors and arsenal keepers for Charleston and Ninety-Six districts, within this state, and for limiting the duration of their offices to the term of four years.†

Passed 10th May, 1794.

Whereas, it is right and necessary to ascertain the salaries of the powder inspectors and arsenal keepers in Charleston and at Abbeville, in the district of Ninety-six in future, the same being now vacant:

Salaries fixed.

Sec. 1. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That from and after the passing of this act, the annual salary of the powder inspector‡ and arsenal keeper in Charleston shall be fifty pounds sterling, and the annual salary of the arsenal keeper at Abbeville, in the district of Ninety-six, shall be thirty pounds sterling, any law, usage or custom to the contrary thereof in any wise notwithstanding.

And in order that the public may be from time to time duly informed of the state of the magazine stores to be deposited at Abbeville court-house, in the said district of Ninety-six:

Commissioners appointed to examine the state of the magazines.

Sec. 2. *Be it enacted by the authority aforesaid,* That the members of the senate and house of representatives, that shall from time to time represent Abbeville county aforesaid, shall be commissioners to examine and inspect the state of the magazines and quantity of arms, powder and other stores that may be deposited in the store and magazines at Abbeville court-house aforesaid; and that they shall, from time to time when required, make report to his excellency the governor, of the state and condition of the said arms, powder and stores, and also annually to the legislature at their November session.‡

Office not to be administered by deputy.

And to prevent abuses:

Sec. 3. *Be it further enacted by the authority aforesaid,* That no person who may be appointed to the office of powder inspec-

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* The exemption of the Charleston battalion of Artillery repealed by A. A. 16th Dec. 1816, sec. 12.

† See A. A. 19th Dec. 1833, sec. 3, 4, 5. 6. where this act is superseded.

‡ Arsenal abolished—A. A. 19th Dec. 1833.

tor and arsenal store keeper at any magazine of this state, shall be permitted to administer the said office by deputy, unless in case of sickness.

Sec. 4. *And be it further enacted by the authority aforesaid*, That no person who shall be elected to the office of powder receiver and arsenal store keeper for Charleston or Abbeville, shall continue in office for a longer time than four years, without he shall be re-elected to the same by the legislature. Term of office limited.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the powder inspector and arsenal keeper for Charleston district, shall, before he enters on the duties of his office under this act, give security to the satisfaction of the governor, in the sum of five hundred pounds; and the powder inspector and arsenal keeper for Abbeville, in the district of Ninety-six, shall, in like manner give security to the satisfaction of a majority of the judges of the county court of Abbeville county, in the sum of two hundred and fifty pounds, for the faithful performance of the duties of their offices respectively. Security required.

In the Senate House, the tenth day of May, in the year of our Lord one thousand seven hundred and ninety-four, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

An additional act to an act entitled "An act to organize the militia throughout the state of South-Carolina, in comformity with the act of Congress."

Whereas the law of congress, entitled "an act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States, directs, that each division, brigade and regiment in each State, shall be numbered at the formation thereof, and a record made of such numbers in the adjutant-general's office in the State; and when in the field, or in service in the state, each division, brigade and regiment, shall respectively take rank, according to their numbers, reckoning the first or lowest number highest in rank. And whereas it is necessary to fix the rank of officers, who were elected to the same grade, by the legislature at their last session, or by the people since that period: Passed 19th Dec. 1794.

Sec. 1. *Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same*, That the rank of the divisions, brigades and regiments, shall be determined by lot in the following manner, that is to say: That a joint committee of both houses shall forthwith cause the words eastern division, and the words western division, to be respectively written on two pieces of paper, which shall be folded up and put into a hat, and they Rank of divisions and brigades to be ascertained by lot.

shall then cause a child under ten years of age to draw out in their presence one of the said lots, and that which shall be so drawn, shall be the first division of this state, and the remaining lot shall be the second division. And if the eastern division shall be the first drawn, then the brigades and regiments in that division shall have the lowest numbers and the highest rank; and the brigades and regiments in the western division, the highest numbers and lowest rank. And if the western division be first drawn, then the brigades and regiments in that division shall have the lowest numbers and highest rank; and the brigades and regiments in the eastern division the highest numbers and lowest rank. That then the committee shall cause the numbers of the brigades in each division, to be determined in a similar manner by lot; that is to say, if the eastern division shall be the first drawn, they shall cause the words Charleston brigade, Georgetown brigade, Cheraw brigade, Camden brigade, and Beaufort and Orangeburgh brigade, to be written on five lots, and to be folded up and put into a hat; and they shall then cause a child under ten years of age to draw, in their presence, the said lots, one by one, from the hat; and the brigade first drawn, shall be numbered the first brigade; the brigade second drawn, shall be numbered the second brigade; the brigade third drawn, shall be numbered the third brigade; the brigade fourth drawn, shall be numbered the fourth brigade; and the brigade fifth drawn, shall be numbered the fifth brigade. And then they shall cause the words, Edgefield and Abbeville brigade, Laurens and Newberry brigade, Washington brigade, and Pinckney brigade, to be written on four lots, and the same shall be folded up and put into a hat, and they shall then cause a child under ten years of age, to draw in their presence, the lots, one by one, from the hat; and the brigade first drawn, shall be numbered the sixth brigade; the brigade second drawn, shall be numbered the seventh brigade; the brigade third drawn, shall be numbered the eighth brigade; and the brigade fourth drawn, shall be numbered the ninth brigade. And if the western division shall be first drawn, they shall cause the words Edgefield and Abbeville brigade, Laurens and Newberry brigade, Washington brigade, and Pinckney brigade, to be written upon four lots, which shall be folded up and put into a hat; and they shall then cause a child under ten years of age to draw, in their presence, the lots, one by one, from the hat; and the brigade first drawn, shall be numbered the first brigade; and the brigade second drawn, shall be numbered the second brigade; the brigade third drawn, shall be numbered the third brigade; and the brigade fourth drawn, shall be numbered the fourth brigade. And then they shall cause the words Charleston brigade, Georgetown brigade, Cheraw brigade, Camden brigade, and Beaufort and Orangeburgh brigade, to be written on five lots, and the same shall be folded up, and put into a hat; and they shall then cause a child under ten years of age to draw, in their presence, the lots, one by one, from the hat;

and the brigade first drawn, shall be numbered the fifth brigade; the brigade second drawn, shall be numbered the sixth brigade; the brigade third drawn, shall be numbered the seventh brigade; the brigade fourth drawn, shall be numbered the eighth brigade; and the brigade fifth drawn, shall be numbered the ninth brigade. That then the committee shall in like manner, by lots drawn in their presence, proceed to number the regiments; taking care so to conduct the drawing, that the lowest number of the respective regiments, be given to the lowest number of the respective brigades; and that the brigades highest in number, have the regiments highest in number; and that the rank of the battalions, in their respective regiments, be always determined by the seniority of their respective majors.*

Rank of regimental officers to be ascertained by lot.

Sec. 2. *And be it further enacted by the authority aforesaid*, That all the officers who were elected by the legislature, at their last session, or by the people since, shall take rank in the following manner, that is to say: If the eastern division shall be the first drawn, all the officers of equal grade and date of commission in that division, shall take rank of all the officers of similar grade and date of commission in the western division; and if the western shall be the first drawn, all the officers of equal grade, and date of commission in that division, shall take rank of all the officers of similar grade and date of commission in the eastern division; and all the officers of equal grade and date of commission, of the brigades lowest in number, shall take rank of all the officers of equal grade and date of commission in the brigades higher in number, in the division to which it belongs; and all the officers of equal grade and date of commission, in the regiments lowest in number, shall take rank of all the officers of equal grade and date of commission in the regiments highest in number, in their respective brigades. And all the officers of equal grade and date of commission in their respective regiments, shall determine their rank in their regiment, by lot, drawn in the presence of the lieutenant-colonel, or commanding officer of the regiment; or where the lieutenant-colonel is dead, and the rank has not been determined between the majors, in the presence of some person to be appointed by the brigadier-general, or in his absence, by the major-general: *Provided always*, That nothing in this act shall be construed to extend to deprive officers who have been elected to the same grade they held before, from retaining and taking rank agreeable to their old commissions, or to determine the rank of officers in any regiment, where they have already drawn for it.†

Ensigns how to be elected.

Sec. 3. *And be it further enacted by the authority aforesaid*, That when the commission of ensign is vacant in any company, the men liable to do duty in that company, as well in time

* See Act 21st Dec. 1814, sec. 2, dividing the state into five divisions and ten brigades, and the manner of deciding rank.

† See A. A. 19th Dec. 1807, sec. 2, for determing commissions of equal grade, by lot.

of alarm as at common musters, shall elect by ballot a fit person to fill the vacancy; and the lieutenant-colonel or commanding officer, shall order such election, giving notice on one muster day, in writing; which shall be publicly declared and made known to the company, by the officer commanding the same, and shall be fixed up in some public place upon the muster ground, that the election will be held at the ensuing muster; and the captain or commanding officer of the company shall manage the election.*

Sergeants refusing to do duty to be fined.

Sec. 4. *And be it further enacted by the authority aforesaid*, That if any person liable to do duty at common musters, shall be appointed a sergeant, and refuse to do duty as such, he shall be fined in the sum of four pounds; but no person shall be obliged to act as sergeant more than one year at a time.

Governor, major-generals & brigadier-generals to appoint extra aids-de-camp.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the governor, the major-generals and brigadier-generals, respectively, as occasion may require, shall be authorized to appoint one or two extra aids-de-camp, who shall not be entitled to any other rank or pay than what they are entitled to in the line.†

Parade limits to be ascertained.

Sec. 6. *And be it further enacted by the authority aforesaid*, That each commanding officer of a corps, when on duty or parade, shall have full power and authority to ascertain and fix certain necessary limits and bounds to their respective parades and places of exercise,‡ (no road in which people usually travel, or more than one half the width of any street, to be included) within which no spectator shall have a right to enter, without liberty from the said commanding officer; and in case any person shall so intrude within the lines of the parade or place of exercise, after being once forbidden, he shall be liable to be confined under guard during the time of exercise, at the discretion of the commanding officer.

Fines, how to be recovered.

Sec. 7. *And be it further enacted by the authority aforesaid.* That every fine imposed by this act, or the act, entitled "An act to organize the militia throughout the state of South-Carolina, in conformity with the act of Congress," or by any future act, shall be recovered in the following manner,§ that is to say: the officer

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* See Act 19th Dec. 1816, sec. 2 & 6.

† Altered by Act 13th Dec. 1815, sec. 3.

‡ A militia officer has the right to make use of uninclosed land, as a muster ground, until the owner object to it; and where an uninclosed field has for many years been used for that purpose without objection, the officer may, as an incident to its use, remove all obstructions to the exercise and drill of the troops under his command, unless *forbidden* by the proprietor to do so. The colonel of a regiment of militia, preparatory to a review, caused a number of old field pine saplings to be cut and removed from a piece of uninclosed land, which had for a long time been used as the regimental muster ground. *Held* that the cutting down and removing the saplings, was an incident to the use of the land as a muster ground; and that the proprietor, not having given previous notice that he objected either to the use or the incident, could not afterwards maintain trespass against the colonel.—*Law v. Nettles*, 2 *Bailey*, 447.

§ Altered by A. A. 19th Dec. 1833, sec. 32.

who presided at the court-martial, when any such fine or fines shall be imposed, (excepting fines incurred for misconduct while under arms, which shall be recovered as is directed by said act) shall issue his warrant, under his hand and seal, directed to some sergeant belonging to the brigade, regiment, battalion, company or troop, to which the offender, according to his rank, may immediately belong, or for want of such sergeant, to such other person as may be appointed by the commanding officer of the regiment, and shall mention therein the amount of the fine or forfeiture, or fines or forfeitures incurred, and for what default or misconduct, and by what court-martial the same was or were imposed, and shall thereby command such sergeant or other person to take the body of the defaulter or offender to the nearest gaol, there to be confined until such fine or forfeiture, or fines or forfeitures, together with the gaoler's and sergeant's fees, shall be paid; and every such sergeant, or other person, shall be obliged to execute such warrant, according to the tenor or purport thereof; and all district sheriffs and gaolers, county sheriffs and gaolers, and city sheriffs and gaolers, in this state, are hereby empowered and required to receive the body of any such defaulter or offender, who may be brought to either of them, under any such warrant, and to keep him in safe custody, until the amount specified in the warrant, together with the gaoler's and sergeant's fees, shall be paid; and the sheriffs and gaolers shall be allowed the same fees, in such cases, as are allowed in other cases of commitments, and the sergeant shall be allowed the same fees as constables have for serving summonses, and for commitments for the same amount, or for levying an execution for the same amount:* *Provided always*, That the person so committed, shall, at the end of a certain time, to be computed at the rate of one day for every three shillings and six pence he may be condemned to pay, be released, upon swearing that he is unable to pay the amount for which he may be committed, and the fees herein before directed to be paid: *And provided also*, That no person shall be taken up on any such warrant or execution, if he will immediately pay the amount he is liable for, and the fees due, or produce to the officer sufficient property of his own, to satisfy the same; which, if he shall produce, the officer shall take and dispose of, at public sale, in the same manner as constables make their sales under execution; and after paying the fine or fines due, and the fees that have accrued, he shall return the surplus, if any there be, of the proceeds of the sale, to the said defaulter or offender.†

Officers to take an oath of fidelity.

Sec. 8. *And be it further enacted by the authority aforesaid*, That every officer in the militia shall, within six months after the ratification of this act, or after he shall be elected or appointed, take the following oath, or affirmation, before some justice of the

* See A. A. 24th Sept. 1813, sec. 12, 13, 14.

† Altered by A. A. 24th Sept. 1813, sec. 12, and A. A. 19th Dec. 1833 sec. 32.

peace, who shall certify the same on the back of his commission: "I, A. B. do solemnly swear, (or affirm, as the case may be) that I will support and maintain, to the utmost of my ability, the laws and constitution of this state and of the United States." And every officer neglecting so to do, shall vacate his commission.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*
JACOB READ, *Speaker of the House of Representatives.*

In the House of Representatives, Dec. 17, 1794.

The joint committee of both houses, appointed by the legislature, for ascertaining the number and rank of the divisions, brigades and regiments, and also the rank of officers of similar grade and dates of commissions throughout the state, having proceeded to the business which they had in charge, as the law directs, reported as follows:

FIRST DIVISION, WESTERN DIVISION.
SECOND DIVISION, EASTERN DIVISION.

FIRST DIVISION.

First brigade, Edgefield and Abbeville.
Second brigade, Newberry and Laurens.
Third brigade, Pinckney.
Fourth brigade, Washington.

SECOND DIVISION.

Fifth brigade, Beaufort and Orangeburgh.
Sixth brigade, Georgetown.
Seventh brigade, Charleston.
Eighth Brigade, Camden.
Ninth brigade, Cheraw.

FIRST DIVISION.

BRIGADE NO. I.

First regiment, Norwood's.
Second regiment, John Martin's.
Third regiment, Calhoun's.
Fourth regiment, Mey's.
Fifth regiment, Carter's.

BRIGADE NO. II.

Sixth regiment, Upper regiment of Newberry county.
Seventh regiment, Enoree regiment.
Eighth regiment, Lower regiment of Newberry county.
Ninth regiment, Saluda regiment.

BRIGADE NO. III.

Tenth regiment, Trimmer's.
Eleventh regiment, Mills's.

Twelfth regiment, Love's.
Thirteenth regiment, Brandon's.
Fourteenth regiment, Thomas Moore's.

BRIGADE NO. IV.

Fifteenth regiment, Allston's.
Sixteenth regiment, Eliab Moore's.
Seventeenth regiment, Wood's,
Eighteenth regiment, William Martin's.
Nineteenth regiment, Clarke's.

SECOND DIVISION.

BRIGADE NO. V.

Twentieth regiment, M'Pherson's.
Twenty-first regiment, Rumph's.
Twenty-second regiment, Sabb's.
Twenty-third regiment, Brown's.
Twenty-fourth regiment, Fishburne's.

BRIGADE NO. VI.

Twenty-fifth regiment, Conway's.
Twenty-sixth regiment, Postell's.
Twenty-seventh regiment, Baxter's.

BRIGADE NO. VII.

Twenty-eighth regiment, Lee's.
Twenty-ninth regiment, Read's.
Thirtieth regiment, Vanderhorst's.
Thirty-first regiment, Glaze's.

BRIGADE NO. VIII.

Thirty-second regiment, M'Cawley's.
Thirty-third regiment, Goodwyn's.
Thirty-fourth regiment, Dunlap's.
Thirty-fifth regiment, Cantey's.
Thirty-sixth regiment, Pierson's.

BRIGADE NO. IX.

Thirty-seventh regiment, Evans's.
Thirty-eighth regiment, Ellison's.
Thirty-ninth regiment, Spencer's.

Ordered, That the report be recorded in the Secretary's office in Charleston and Columbia; and that the report be printed as an appendix to an additional act to the act, entitled, "An act to organize the militia throughout the state of South-Carolina, in conformity with the act of congress."

By order of the House,

JOHN SANDFORD DART, C. H.

In the Senate, Dec. 19, 1794.

Resolved, That this House do concur with the House of Representatives in the foregoing report.

By order of the Senate. FELIX WARLEY, C. S.

An additional Act to the act, entitled, "An act to organize the militia throughout the State of South-Carolina, in conformity with the act of congress," and for other purposes therein mentioned.

Passed 19th Dec. 1795.

Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases where any of the regiments, or any of the battalions and companies, belonging to any of the regiments of this state, shall or may be aggrieved and injured by the division or divisions made by the different commissioners appointed by the several brigadier-generals, for the purpose of dividing the regiments belonging to their respective brigades, into battalions and companies, pursuant to the militia act of this state, passed on the tenth day of May, seventeen hundred and ninety-four; the regiments, or any of the battalions or companies belonging to the said regiments, so aggrieved and injured, shall make their application for redress to the brigadier-general of the brigade, to which the said regiment or regiments belong, who shall appoint two field officers of the brigade, who are not involved in the dispute, or interested in the decision of the same, who are hereby empowered and directed, should it appear to them fit and expedient, to make, direct and order any arrangement or division of the said regiments, or any of the battalions or companies belonging thereto, as to them shall appear to the advantage of the same: *Provided*, however, that such arrangement or division be, as nearly as conveniently may be, in conformity to the act of congress, passed on the eighth day of May, seventeen hundred and ninety-two.

Field officers to give relief, where regiments, battalions or companies, are injured by divisions.

Sec. 2. *And be it further enacted by the authority aforesaid,* That in all cases of contested elections for field officers, where either of the candidates think themselves aggrieved by the determination of the brigadier-general and field officers, who have decided or shall decide on the election, such candidate may appeal from such decision, to the major-general of the division to which he belongs; and the said major-general, together with a board of general and field officers, to be appointed by the said major-general, and to consist of the said major-general, and not less than one brigadier-general and three field officers, shall examine into the merits of the said election, and shall decide thereon; and such decision shall be final and conclusive; and the person in whose favor they shall decide, shall be commissioned by the governor.

In cases of contested elections appeal to be made.

Sec. 3. *And whereas*, many of the officers in the militia have, through inadvertence, neglected to take the oath or affirmation prescribed by the act, passed on the nineteenth day of December, seventeen hundred and ninety-four:

Be it further enacted by the authority aforesaid, That a further time of six months be allowed them to take the said oath or affirmation, before some justice of the peace, who shall certify the same on the back of his commission; and every officer who

Militia officers allowed a further time to qualify.

shall neglect so to do, within the time above limited, shall vacate his commission; but provided he takes the said oath within the said term, he shall retain his commission; any thing in the said act contained to the contrary thereof in any wise notwithstanding.*

Sec. 4. *And whereas*, it has been represented to the legislature that the duty of adjutant-general is very aborious, and attended with considerable expense:

Salary of the adjutant-general.

Be it therefore enacted by the authority aforesaid, That the salary of the said officer shall be, in future, one thousand dollars per annum:† *Provided* he shall attend the different regimental reviews throughout the state, once in every year.

Sec. 5. *And whereas*, it is of great importance to the country, that encouragement should be given to the company for opening the Santee canal:

Persons employed at the Santee Canal, excused from militia duty.

Be it therefore enacted by the authority aforesaid, That the overseers, toll-receivers, lock-keepers, and white labourers,‡ employed or to be employed by the said company, be exempt from doing militia duty at any time hereafter, except in times of alarm.

Adjutant-general's salary for 3 years.

Sec. 6. *And be it further enacted by the authority aforesaid*, That so much of this act as relates to the office, salary, and duties of the adjutant-general, shall continue in force for and during the term of three years, and from thence to the end of the next session of the legislature thereafter, and no longer.§

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

An Act to prolong the time for certain officers of the militia to take the oath or affirmation prescribed by law.‖

Passed 29th Dec. 1796.

Sec. 1. *Whereas* many officers of the militia have, through inadvertence, neglected to take the oath or affirmation prescribed by the act, entitled, "An additional act to the act, entitled, an act to organize the militia throughout the state of South-Carolina, passed on the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, in conformity with the act of congress:"

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* Extended to six months further by A. A. 20th Dec. 1796, sec. 1

† Now fifteen hundred dollars, by A. A. 19th Dec. 1833, sec. 2.

‡ Re-enacted except as to white labourers, by A. A. 19th Dec. 1833, sec. 46.

§ Now limited to four years by A. A. 19th Dec. 1833, sec. 2.

‖ Expired.

Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a further time of six months be allowed the said officers to take the said oath or affirmation, before some justice of the peace, who shall certify the same on the back of their commissions; and that the said officers, thus taking the said oath or affirmation, shall be still qualified to hold their said commissions, any thing in the aforesaid act, passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety four, to the contrary thereof notwithstanding: *Provided nevertheless*, That if the said officers do not, within the said time, take the said oath or affirmation, at the expiration of the same, their commissions shall be vacated.

Sec. 1. *And be it enacted by the authority aforesaid*, That any officer or officers taking the oath or affirmation within the time above mentioned, shall receive commissions of the same date, and shall be entitled to the same grade as if he or they had taken the said oath or affirmation when first elected.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*
ROBERT BARNWELL, *Speaker of the House of Representatives.*

An Act concerning the Cavalry and Artillery of this State, and for other purposes therein mentioned.

Passed 16th Dec. 1797.

Cavalry of the state to be in squadrons and regiments.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That the cavalry of this state shall be arranged into squadrons and regiments, as follows: The several troops now raised, and hereafter to be raised, in the brigade number one, (no. 1,) shall form one regiment; the several troops now raised, or hereafter to be raised, in the brigade number two, (no. 2,) shall form one regiment; the several troops now raised, and hereafter to be raised, in the brigade number three, (no. 3,) shall form one regiment; the several troops now raised, and hereafter to be raised, in the brigade number four, (no. 4,) shall form one regiment; the several troops now raised, and hereafter to be raised, in the brigade number five, (no. 5,) shall form one regiment; the several troops now raised, and hereafter to be raised, in the brigade number six, (no. 6,) shall form one regiment or squadron; the several troops now raised, and hereafter to be raised, in the brigade number seven, (no. 7,) shall form one regiment; the several troops now raised, and hereafter to be raised, in the brigade number eight, (no. 8,) shall form one regiment; the several troops now raised, and hereafter to be

raised, in the brigade number nine, (no. 9,) shall form one regiment or squadron. *Provided*, That no regiment shall consist of more than six troops, nor less than four; nor each troop of more than sixty-four rank and file.

Brigadiers to fill up regiments of horse and how.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the brigadier-general of each of the aforesaid brigades, shall be, and he is hereby authorized and empowered, whenever the regiment of horse in his brigade is not complete, to fill up the same, if he shall see fit, by authorizing proper persons to raise the necessary number of troops; and also by empowering the captains of the respective troops in his regiment, to enrol men, who are not obliged to do militia duty, but who would be willing to enrol themselves in such troops, and to turn out with them, properly uniformed and accoutred, when called into actual service; and the said brigadiers shall distribute the troops in their respective regiments, into squadrons.

Each squadron to have a major and each regiment a lieutenant-colonel.

Sec. 3. *And be it further enacted by the authority aforesaid*, That to each of the aforesaid squadrons, there shall be one major; and each of the aforementioned regiments shall be commanded by one lieutenant-colonel; and the governor and commander-in-chief shall be, and he is hereby authorized to commission, in common form, the eldest captain of horse in each brigade, as lieutenant-colonel in each brigade; and the second and third in seniority, as majors of the first and second squadrons, in each regiment respectively; and if any case should occur, in which the captains' commissions bear even date, the preference shall be decided by lot, in presence of the brigade major, who shall make a return thereof to the adjutant-general: And the rank of the several lieutenant-colonels shall also be determined by lot, to be drawn in the following manner: The adjutant-general shall write the names of the respective regiments on slips of paper, and having intermixed them well, shall, in presence of the governor or commander-in-chief, draw forth their names, singly; and each of the aforesaid lieutenant-colonels shall take rank in the order in which his name is drawn; and the adjutant-general shall make out two lists of the said officers, according to their respective ranks, and transmit one of the said lists to the secretary's office in Charleston, and the other to the secretary's office in Columbia, there to be recorded. *Provided*, That nothing herein contained, shall be so construed as to give rise to any captain or commander of a troop, who has neglected, for six months previous to the passing of this act, to muster his troop.

Officers to be appointed, and their rank determined.

Where to be recorded.

Persons formerly enrolled, to remain,

Sec. 4. *And be it enacted by the authority aforesaid*, That all those of the militia, who have heretofore enrolled themselves in any troop or company of cavalry, may remain with their troop or company; and that hereafter, all volunteers for the corps of cavalry, shall be limited to their respective brigades, except otherwise ordered by the commander-in-chief.

Sec. 5. *And be it further enacted*, That whenever any of the cavalry, or any part thereof, shall be called into the actual service

of this state, it shall be the duty of the brigade-inspector to call to his assistance, two of the freeholders of the county where each horseman may reside, who, together with the said brigade-inspector, shall, on oath, appraise the horse of each horseman, immediately before the time of going into such service, and enter such appraisement in a book, to be kept by the said brigade-inspector for that purpose; and the said cavalry shall receive the same indemnification, and no other, for loss of horses or otherwise, under the same regulations and restrictions, as are or may be established in like cases, in the militia in the service of the United States, by the laws thereof, for the time being.

When in actual service, horses to be appraised

Troops to meet how often.

Sec. 6. *And be it further enacted*, That the cavalry shall meet in troop, at least six times in each year, and at such places as the commanding officer of each troop shall direct.

Uniform and discipline.

Sec. 7. *And be it enacted*, That the brigadier in each brigade, be, and he is hereby authorized to direct the mode of uniform for the cavalry of his brigade; and the adjutant-general shall prescribe the form of discipline to be used and adopted by them.*

Regiment of artillery formed.

Sec. 8. *And be it further enacted*, That the company of artillery attached to the twenty-eighth regiment, the company attached to the twenty-ninth regiment, and the company† attached to the thirtieth regiment of infantry, shall form one battalion; and the said battalion, together with the Charleston battalion of artillery, shall form one regiment.

How to be officered.

Sec. 9. *And be it further enacted*, That the said regiment of artillery shall be commanded by a lieutenant-colonel; and each of the said battalions by a major; and the governor or commander-in-chief, shall be, and he is hereby authorized to commission, in common form, the first officer in rank in the said regiment, as lieutenant-colonel thereof; and the second and third, in seniority, as majors of the battalions, who shall take rank according to the dates of their commissions.‡

Other artillery to remain as before.

Sec. 10. *And be it further enacted*, That throughout the other parts of the state, the captains of artillery shall be attached to the battalions in which they reside, respectively; and rise in the same with the other officers, according to the dates of their commissions.§

Officers how to rank and rise.

Sec. 11. *And be it further enacted*, That the said lieutenant-colonel of cavalry, and lieutenant-colonel of artillery, shall take rank and promotion, together with and in the same manner as the other lieutenant-colonels of this state. *Provided nevertheless*, That no officer to be appointed by virtue of this act, shall take rank and precedence over any officer of infantry of the militia of this state, of the same grade, except by seniority of commission.

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* Altered by Act 17th Dec. 1808, sec. 1.

† Altered—see A. A. 19th Dec. 1807.

‡ Re-organized by A. A. 19th Dec. 1833, sec. 17.

§ Now elected according to the 3rd clause of the 2d sec. of A. A. 19th *Dec. 1816.*

Sec. 12. *And be it further enacted*, That the officers and men of the cavalry and artillery, throughout this state, shall be subject to the same laws, rules and orders, as the officers and men of the infantry of this state are or shall be subject to: *Provided always nevertheless*, That nothing contained in this act, shall be construed to affect the rights and privileges of the ancient battalion of artillery in Charleston, as secured to them by their charter, or by any other law or regulation.* To be subject to general rules

Sec. 13. *And be it enacted by the authority aforesaid*, That the three companies of artillery in brigadier-general Winn's brigade, shall also form one battalion; and the eldest captain in the said battalion shall be commissioned major thereof.† Artillery in gen. Winn's brigade.

Sec. 14. *And be it enacted by the authority aforesaid*, That the officers commanding in the different company beats, in the town of Georgetown, be, and the same are hereby authorized to hold their respective commissions, although not resident in the beats aforesaid: *Provided*, That the said residence be in his battalion. Officers in Georgetown.

Sec. 15. *And whereas*, it has been inconvenient, and sometimes oppressive, to issue warrants, in the first instance, against the body of defaulters, and other persons, subjected to the fines by the militia law: For remedy whereof,

Be it enacted by the authority aforesaid, That the officer to whom the power is given of issuing warrants against the body of defaulters, and other persons liable to fines, shall, in the first instance, issue his warrant against the goods and chattels of such person; and the sergeant or other person to whom such warrant shall be directed, is hereby authorized and required to seize the property of the person against whom the warrant shall be issued, and sell the same, after having advertised it in some public place in the regimental or company district, to which the said person may belong, at least five days previous to the sale; and if the person to whom the said warrant shall be directed, shall make a return that he cannot find any goods and chattels to be levied on, then the officer who issued the first warrant, is hereby authorized and required to issue a warrant against the body of the person, in lieu of that which was issued against his goods and chattels.‡ Warrants for fines, &c. how to be issued & executed.

Sec. 16. *And be it further enacted by the authority aforesaid*, That the governor and commander-in-chief for the time being, be, and he is hereby authorized to issue blank commissions to the lieutenant-colonels of the respective regiments; and the lieutenant-colonels of the respective regiments shall, from time to time, as vacancies may occur in their said regiments, fill up and issue commissions, and make return thereof to the brigadier.§ Governor to issue blank commissions.

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* Now placed upon the same footing with every other militia company and battalion in the State. A. A. 16th Dec. 1815, sec. 12.

† Repealed by A. A. Dec. 1818, sec. 3.

‡ Altered by A. A. 24th Sept. 1813, sec. 12.

§ Altered by A. A. 19th Dec. 1833.

Turning out of the militia.

Sec. 17. *And be it further enacted by the authority aforesaid,* That the militia of Charleston and Georgetown shall be, and they are hereby exempted from turning out on company parade, oftener than once in every two months; and the commanding officer in each regiment throughout the state, shall be authorized, if he see fit, to exempt his men from turning out on parade in the months of July, August and September: *Provided* they turn out not less than six times in the year.*

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*
ROBERT BARNWELL, *Speaker of the House of Representatives.*

An Act to amend the law respecting Quarantines.

Passed 16th Dec. 1797.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same,* That upon all occasions, when the governor or commander-in-chief of this state may deem it necessary, he shall have a right, and he is hereby required, at the expense of the state, to hire and employ boats and small craft; and a sufficient number of able men, well armed, to be stationed wherever he may think fit, and to act under his directions, in order to enforce obedience to the laws of this state, requiring the performance of quarantine; and also to arm such men, if requisite, with any fire arms belonging to this state.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*
ROBERT BARNWELL, *Speaker of the House of Representatives.*

An Act respecting Slaves, Free Negroes, Mulattoes and Mustizoes, for enforcing the more punctual performance of Patrol duty, and to impose certain restrictions on the emancipation of slaves.

Passed 20th Dec. 1800.

Sec. 1. Whereas the laws heretofore enacted for the government of slaves, free negroes, mulattoes and mustizoes, have been found insufficient for the keeping them in due subordination: *Be it therefore enacted by the honorable the Senate and House of Representatives of the state of South-Carolina, now met and*

* See A. A. 19th Dec. 1833, sec. 19.

sitting in general assembly, and by the authority of the same, That from and after the passing of this law, all assemblies and congregations of slaves, free negroes, mulattoes and mustizoes, whether composed of all or any of the above description of persons, or of all or any of the above described persons, and of a proportion of white persons, assembled or met together for the purpose of mental instruction, in a confined or secret place of meeting, or with the gates or doors of such place of meeting barred, bolted or locked, so as to prevent the free ingress and egress to and from the same, shall be, and the same is hereby declared to be an unlawful meeting; and the magistrates, sheriffs, militia officers, and officers of the patrol, being commissioned, are hereby directed, required and empowered, to enter into such confined places, where such unlawful assemblies are convened,* and for that purpose to break doors, gates or windows, if resisted, and disperse such slaves, free negroes, mulattoes, or mustizoes, as may be then and there found unlawfully met together and convened; and such magistrates, sheriffs, constables, militia officers, or officers of the patrol, are hereby empowered and required to call unto their assistance, such force and assistance from the neighbourhood, as he or they may judge necessary for the dispersing of such unlawful assemblage of persons of colour as aforesaid; and the officers and persons so dispersing such unlawful assemblage of persons, shall, if they think proper, impose such corporal punishment, not exceeding twenty lashes, upon such slaves, free negroes, mulattoes or mustizoes, as they may judge necessary for doterring them from the like unlawful assemblage in future. And the said officers so dispersing such unlawful assemblage, shall, if within the city of Charleston, have power to take into custody and deliver to the master of the work-house in Charleston aforesaid, all or any of such slaves, free negroes, mulattoes, or mustizoes, as may be found transgressing this law; and the master of the work-house aforesaid, is hereby directed and required to receive such person or persons, and inflict on him or them such punishment as any two magistrates of the said city may think fit and direct, not exceeding twenty lashes. And the officers dispersing such unlawful assemblies, shall, if without the limits of Charleston, have power to take into custody and deliver to the nearest constable, all or any of such slave or slaves, free negroes or mulattoes, as may be found transgressing this law; and the said constable is hereby required to receive such persons, and convey them to the nearest magistrate, who shall inflict such punishment, not exceeding twenty lashes, which any such magistrate may order and direct.

Assemblies of slaves or free negroes declared to be unlawful.

How such assemblies are to be treated.

* To authorize the patrol to disperse assemblies and congregations of slaves, (according to the act of 1800) the *place of meeting* must be *private*, or *confined* or the meeting itself in the night time.—*Bell ad's Graham*, 1 *Nott & M'Cord*. p. 278.

Fine for not riding patrol.

Sec. 2. *Be it enacted by the authority aforesaid*, That every person liable to perform *patrol duty*, or liable to procure a substitute to perform the said duty, shall, on failure (without legal excuse) to ride patrol in their respective turn, for every such default, forfeit and pay to the commanding officer of the patrol, the sum of two dollars, to be recovered before the captain of the beat or company to which such defaulter belongs, the money to go to the use of the patrol detachment of the said company.*

Slaves assembled for religious worship may be dispersed.

Sec. 3. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, it shall not be lawful for any number of slaves, free negroes, mulattoes, or mustizoes, even in company with white persons, to meet together and assemble, for the purpose of mental instruction or religious worship, either before the rising of the sun, or after the going down of the same. And all magistrates, sheriffs, militia officers, and officers of the *patrol*, being commissioned, city or town guard, or watchmen, are hereby vested with all the powers and authority for dispersing such assemblies, before day, or after sun set, as is herein and hereby given to them in the first clause of this act.† And the said officers are also empowered to impose on all such slaves, free negroes, mulattoes or mustizoes, the same punishment as by the patrol law they are authorized to do in any case whatsever.‡

Persons dispersing them to be protected.

Sec. 4. *And be it further enacted by the authority aforesaid*, That every officer, or other person so entering into and dispersing such slaves, free negroes, mulattoes and mustizoes, from such closed or confined places of meeting, or from such open meeting, before sun rise, or after the going down of the same, shall be, and he is hereby declared under the protection of the law, and free from all suits at law, prosecutions and indictments for or on account of such acts as may be done and performed by him or them, in pursuance of the letter and meaning of this act; and all and every person or persons, suing or prosecuting any officer, or other person, for any tresspass or tort done by him in putting in force and executing this law, on failure of convicting the party, or proving the case fully, so as to entitle him, her or them to a recovery of damages, shall be liable, and be deemed and adjudged to pay to the party so prosecuted or sued, treble costs; for which costs, the party prosecuted or sued, shall have his execution in the usual form, against the goods and chattels of such prosecutor or informer, or plaintiff in the cause, upon application to the clerk of the court where the cause has been tried.

Sec. 5. *Be it further enacted by the authority aforesaid*, That any owner or owners of a settled plantation, after the first of Jan-

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* This clause re enacted, with some additions, by A. A. 18th Dec. 1819, sec. 9.

† Altered by A. A. 17th Dec. 1803. Also by A. A. 18th Dec. 1819, sec. 10.

‡ See A. A. Dec. 1819, sec. 10, to what extent and under what circumstances, the patrol may inflict punishment upon slaves.

uary, one thousand eight hundred and two, containing more than ten workers, shall be required by the tax collector to whom he shall make his return, to declare, on oath, whether he, she or they, have resided on the said plantation, or have employed and kept on such plantation, a white man or overseer, for the preceding year, capable of doing and performing *patrol* duty; and every owner or owners, non-resident on such plantation, neglecting to have and employ such white man or overseer on such plantation, shall be liable, in addition to the penalty prescribed by the *act for the better ordering and governing negroes and other slaves*,* to a tax equal to the sum of one hundred dollars, for one year:† to be levied and collected by the said tax-collector, in the same manner as he is by law directed to collect the general tax of this state. And in case such owner or owners, refuse to declare, on oath, to the said collector, the truth of his, her, or their having resided on such plantation, containing ten working negroes, or having failed to keep and employ a white man or overseer on the same, agreeable to the foregoing clause, the tax-collector shall, upon such refusal, issue his execution, for double the amount of the sum to which, by law, he, she or they, may for such neglect be liable to pay, directed to such officer as by law he is required to direct his tax executions to. *Provided nevertheless*, that three months shall be allowed for procuring such white person or overseer, in case of death, disagreement, or for any other cause.

Owners of plantations must employ overseers.

Sec. 6. *And whereas*, the fines imposed by the patrol law, are too low, and deemed insufficient for the compelling the due and punctual execution of the said law:

Be it further enacted by the authority uforesaid, That every captain or commanding officer of a company or beat, who shall fail and neglect at every muster of his company, to prick off‡ and make out proper lists of patrol detachments, in his said company, and appoint to such detachments, a leader or proper officer, as by the patrol law he is required to do, shall, for such default, in addition to such fine as is by the said patrol law imposed for such neglect, forfeit the sum of eight dollars, to be recovered against him, on information before any justice of the peace; the said fine to go to the informer.§ * * * * * * *

Fine for not making out lists of patrol detachmen

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* See 46 sec. of A. A. 10th May, 1740, making it a penalty of £10 currency for any one to keep slaves on a plantation where no white person resides.

† By A. A. 18th Dec. 1819, sec. 13, the penalty is made fifty cents a head per month, for each working slave on such plantation, without any limitation as to number.

‡ The fine for neglecting to prick off, altered by A. A. 18th Dec. 1819, sec. 3, and must be performed before the company leaves the muster ground. See Note A, sec. 3.

§ The remainder of this act relates to the emancipation of slaves.

An Act in addition to the militia laws of this State.

Whereas, it is necessary and proper to alter and amend, in some respects, the militia laws of this state: And whereas also, it is highly necessary that due subordination and obedience to orders, should be maintained and ensured in the said militia:

Officers liable to be cashiered

Sec. 1. *Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same*, That every commissioned officer of the militia of this state, or any part thereof, who shall be tried for, and found guilty of disobeying the lawful order or orders of his superior officers, shall be liable therefor to be cashiered by sentence of a court-martial, if the same shall be approved of, and the officer ordered to be cashiered by the commander-in-chief of this state.

What number of men shall form a company.

Sec. 2. *And be it enacted by the authority aforesaid*, That when any volunteer company of cavalry shall be reduced to less than twenty-four men; and when any volunteer company of infantry or artillery shall be reduced to less than thirty men,* uniformed according to law, then, and in every such case, the commissions of the officers of such troop or company, as the case may be, shall, respectively, cease and determine; unless such troop or company shall, respectively, be completed with the number of men aforesaid, within twelve months after the passing of this act.†

Persons enrolled in a volunteer company, to give six months notice of their intention to leave it.

Sec. 3. *And be it further enacted by the authority aforesaid*, That no person liable to do militia duty, who now is, or hereafter may be enrolled in any volunteer troop of cavalry, infantry or artillery, shall be exempted from doing duty in such troop or company, unless he shall have given six months previous notice, in writing, of his intention of leaving such troop or company, to the commanding officer thereof, and shall have complied with the other requisitions required by law.

Captains who neglect to muster, to forfeit their commissions.

Sec. 4. *And be it enacted by the authority aforesaid*, That the commission of every captain of any troop of cavalry, or company of artillery or infantry, shall be null and void to all intents and purposes, who hereafter shall refuse or neglect, for the space of six months in immediate succession, to muster his troop or company, as the case may be.‡

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* By A. A. 19th Dec. 1833, sec. 14, light companies are required to consist of not less than forty rank and file, nor more than one hundred. Should they be reduced below the number required, to be disbanded, unless filled up within six months after notice. In Charleston, such companies shall not consist of more than sixty-four. Sec. 53.

† By A. A 16th Dec. 1815, sec. 10, companies of cavalry and artillery may consist of thirty effective men, and infantry of forty rank and file, in uniform, to be disbanded upon the former being reduced below twenty-four men, and the latter below thirty, as the case may be, unless recruited within six months after notice from the commanding officer of the brigade or regiment to do so.

‡ By A. A. 19th Dec. 1833, sec. 18, captains are required to assemble their companies for drill six times a year, in default of which, liable to a court *martial*, by sec. 30.

Persons to b appointed to collect fines.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the brigadiers-general shall, within their respective commands, depute proper persons to collect all fees and penalties which may be imposed on delinquents under the militia laws of state, and allow such per centage on the collection thereof as to them shall appear advisable, so as the same shall not exceed ten per cent.*

Fire-masters exempt from militia duty.

Sec. 6. *And be it enacted by the authority aforesaid*, That all persons acting as fire masters, or enrolled in any department under them, shall, on ordinary musters, be exempt from the performance of militia duty.†

Mode of conducting elections of militia officers.

Sec. 7. *And be it enacted by the authority aforesaid*, That every militia officer, who shall be appointed to conduct an election for an ensign, or other commissioned officer, shall fairly enter or cause to be entered, in a book or roll, the names of all persons voting at such election, and shall provide a box or glass for the purpose of receiving the said ballots: And the officer so managing such election, may require any person offering to give his vote thereat, to swear that he is a resident within the company beat, or is otherwise properly enrolled therein, and is then liable to do duty in that company, under the third section of an additional act to organize the militia throughout the state of South-Carolina, passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-four; and the officer holding such election shall make oath, that he has managed the election according to law, according to the best of his knowledge and belief, and the orders he shall have received from the commanding officer for conducting the same.

Militia offic inquire into liability of p sons to do m tia duty.

Sec. 8. *And be it enacted by the authority aforesaid*, That wherever it shall be considered as necessary for any militia officer, not under the rank of captain, or other commanding officer of a company, to take a census of the number of persons within his beat, company or district, liable to the performance of militia duty, such officer or officers shall be, and they are hereby authorized and required to demand the name or names of each and every householder, or person or persons so resident therein, and to inquire into his or their liability to perform such duty in his said beat, company or district; and if any householder, or person or persons, residing in such beat, shall fail or refuse to satisfy the necessary inquiries of such officer, touching his or their liability to be enrolled as a militia man, such householder or other resident, shall forfeit and pay the sum of ten dollars, to be sued for and recovered before any one justice of the peace, which penalty shall be paid into the hands of the paymaster of the regiment in which such person or persons may reside.

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* A bond to the colonel of a regiment of militia, entered into by the collector of fines, to secure the faithful performance of the duties of his appointment, is valid and binding on himself and sureties, although such bond is not required by law.—*Cross v. Gaheau & Hunt*, 1 *Bailey*, 211

The duty of collecting militia and patrol fines, now devolves upon the sheriff's of the *several districts* A. A. 19th Dec. 1833, sec. 32.

† *Repealed by A. A. 19th* Dec. 1833, sec, 46.

A major of cavalry may attach rifle carbineers to his squadron.

Sec. 9. *And be it enacted by the authority aforesaid*, That it shall and may be lawful to and for any major of cavalry to attach to the squadron under his command, by and with the consent of the commanding officer of the regiment of which such squadron shall be a part, any number of rifle carbineers, not exceeding twelve to a troop, who shall also be armed as troopers, in such way and manner as he shall think fit and direct.

Vacancies in a company how to be filled.

Sec. 10. *And be it enacted by the authority aforesaid*, That whenever a vacancy or vacancies shall happen, of a commissioned officer or officers in any troop or company of militia, and the men composing such troop or company respectively, shall neglect or refuse, for the space of three months, due notice of an election being given, to fill up the same as the law directs, then, and in every such case, it shall and may be lawful to and for the commanding officer of the regiment to which such troop or company shall belong or be attached, by and with the consent of the commanding officers thereof, to fill up such vacancy.*

Pioneers may be attached to companies of artillery.

Sec. 11. *Be it enacted by the authority aforesaid*, That it shall and may be lawful to and for the commanding officer of any company of artillery, to attach thereto any number of free negroes and indians, moors, mulattoes and mustizoes, between the ages of eighteen and forty-five, not exceeding four, to act as pioneers, in such way and manner as the commanding officer of the regiment or battalion to which such company shall belong or be attached, shall think fit or direct; the said pioneers to be cloathed in hunting shirts and overalls, and equipped with the usual accoutrements of a pioneer, except swords, hangers, or bayonets.†

The fines in certain battalions of artillery in Charleston, how to be applied.

Sec. 12. *And be it enacted by the authority aforesaid*, That the fines which have been, or may hereafter be collected, in the Ancient Battalion of Artillery in Charleston, under the authority of the militia laws of this state, from the commissioned and non-commissioned officers and matrosses of the said battalion, shall and may be applied exclusively to the uses and purposes of the said battalion; and the fines, collected as aforesaid, in the second battalion of the regiment of artillery in Charleston, shall and may be applied, exclusively to the uses and purposes of the said second battalion.‡

No person of colour permitted to wear offensive weapon.

Sec. 13. *And be it enacted by the authority aforesaid*, That no trumpeter or musician, being a negro, mulatto, mustizo, or person of color, attached to any corps of cavalry, be permitted to be armed with any offensive weapon, unless in cases of alarm, or of service on detachment.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

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* Altered by A. A. 19th Dec. 1833, sec. 9.

† Repealed by A. A. 20th Dec. 1823, sec. 18.

‡ *Altered* by A. A. 19th Dec. 1833, sec. 55.

An Act to alter part of an act, entitled, "An act respecting Slaves, Free Negroes, Mulattoes and Mustizoes, for enforcing the more punctual performance of Patrol duty, and to impose certain restrictions on the emancipation of slaves." Passed 17th Dec. 1803.

Whereas certain religious societies in this state, have petitioned the legislature to alter part of an act, entitled, "An act respecting Slaves, Free Negroes, Mulattoes and Mustizoes, for enforcing the more punctual performance of Patrol duty, and to impose certain restrictions on the emancipation of slaves."

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That after the passing of this act, it shall not be lawful for any person or persons, at any time before nine o'clock in the evening of any day, to break into any place of meeting, wherein shall be assembled the members of any religious society of this state: *Provided* a majority of them shall be white persons; or otherwise to disturb their devotion, unless such person or persons, so entering the said place, shall have first obtained from some magistrate appointed to keep the peace of the state, a warrant, authorizing him or them so to do, in case a magistrate shall be then actually within the distance of three miles from such place of meeting; otherwise the provisions of the above recited act to remain in full force.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and in the twenty-eighth year of the Independence of the United States of America.

JOHN GAILLARD, *President of the Senate.*
ROBERT STARK, *Speaker of the House of Representatives.*

An Act to cede to the United States various forts and fortifications, and sites for the erection of forts. Passed 19th Dec. 1805.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That there shall be and hereby is granted to the United States of America, all the right, title and claim of this state, to the following forts, fortifications, and sites for the erection of forts, in manner following: Forts, fortifications, and sites for the erection of forts granted to the United States.

All the lands reserved for fort Moultrie on Sullivan's Island, provided the same shall not exceed five acres, with all the forts, fortifications and buildings thereon, together with the canal leading from the cove on the back of the fort, nearly up to the same, as delineated on the plan of Charleston harbour by Col. Senf, and is in the secretary of state's office at Columbia.

The high lands and part of the marsh belonging to fort Johnson, as delineated on the said plan of Charleston harbour; provided the same shall not exceed twenty acres, including the present site of fort Johnson.

The land on which fort Pinckney is built, and three acres around the same.

A portion of the sand bank marked C, on the south-easternmost point of Charleston, as delineated on the said plan of Charleston harbour, not exceeding two acres.

A quantity of land, not exceeding four acres, for a battery or fort, and necessary buildings, on Dr. Blythe's point of land at the mouth of Sampit river.

The small island in Beaufort river, called Mustard island, opposite Paris's island, and a tract of land on St. Helena island, opposite the same, not exceeding seven acres of land, as being a commanding ground suitable for a principal fort.

Commissioners appointed to locate the said sites.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the following persons, viz. Col. Thomas Grayson, Captain John Jenkins and William Elliott, Brigadier-general Read, the Intendant of Charleston for the time being, Col. Daniel Stevens, Joseph Alston, Brigadier-general Conway, and Major Savage Smith, or any two of them, be, and they are hereby appointed commissioners, and authorized to locate, by proper metes and bounds, at the expense of this state, so far as the charges of surveyors shall be incurred, all or any of the above mentioned sites; and who shall return into the office of the Secretary of this state, on or before the first day of January, in the year of our Lord one thousand eight hundred and seven, fair plats of survey, and accurate descriptions of the said lands, forts, fortifications and sites, so ceded, setting forth the limits and bounds of the same.

United States to repair said fortifications within 3 years.

Sec. 3. *And be it further enacted by the authority aforesaid*, That if the United States shall not within three years from the passing of this act, and noticification thereof by the governor of this state, to the executive of the United States, repair the fortifications now existing thereon, or build such other forts or fortifications as may be deemed most expedient by the executive of the United States on the same, and keep a garrison or garrisons therein; in such case this grant or cession shall be void and of no effect.

Process, civil or criminal, may be served on any part of lands so ceded.

Sec. 4. *And be it further enacted*, That all process, civil or criminal, issued under the authority of this state, or any officer thereof, shall and may be served and executed on any part of lands and sites, forts and fortifications, so ceded by this act, and on any person or persons there being and implicated in matters of law: *Provided always*, that the lands, sites, forts and fortifications so ceded, shall forever be exempt from any tax to be paid to this state: *And provided also*, the United States shall, before possession be taken of the said sites so to be laid out by the above commissioners, some of which are private property, give

and pay due compensation to the owners and proprietors of the same.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and of the Independence of the United States of America, the thirtieth.

ROBERT BARNWELL, *President of the Senate.*
JOSEPH ALSTON, *Speaker of the House of Representatives.*

An Act to enforce the due observance of the military law, so far as the same relates to captains Jacob Drayton and William Rouse.

Passed 19th Dec. 1805.

Whereas, it appears that by the death of William Cunnington, who was lieutenant-colonel of the eighth regiment of cavalry, annexed to the seventh brigade of militia, major Thomas Morris was promoted to the rank of lieutenant-colonel of the said regiment, and that Jacob Drayton and William Rouse held captains commissions in the said regiment of the same date; that in consequence of the promotion of the said major Thomas Morris, it became necessary that captains Jacob Drayton and William Rouse, should determine their seniority of rank by lot, according to the mode prescribed by the militia laws of this state and the United States, in such case made and provided, that it might thereby be known who was entitled to the majority in the said regiment. Yet the said Jacob Drayton has been commissioned major in the said regiment, when the seniority has not been determined by lot as aforesaid, although he the said captain William Rouse made application, first to colonel Thomas Morris, secondly to brigadier-general Read, to have the seniority of rank determined by lot as aforesaid, both of whom refused to order the same, or to grant a court of enquiry to determine the rank aforesaid, whereby it appears that the said captain William Rouse has been deprived of a right secured to him by the military laws:

Sec. 1. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same,* That lieutenant-colonel Thomas Morris, or the commanding officer of the said eighth regiment of cavalry, is hereby required and directed, on or before the first day of February next, to cause the seniority of rank between captains Jacob Drayton and William Rouse, to be determined by lot, according to the mode prescribed by the militia laws of this state and of the United States, in such case made and provided, and that captain Jacob Drayton's commission as major be suspended until the determination of the same; and in case the said captain Drayton should prove successful by lot, in the determination of the rank aforesaid, then and in that case, he is hereby confirmed in his commission as major, otherwise the same

to be null and void. *Provided*, if the said William Rouse is, on such ballot, made major, the said Jacob Drayton is to have his former commission as captain.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and of the Independence of the United States of America, the thirtieth.

ROBERT BARNWELL, *President of the Senate.*
JOSEPH ALSTON, *Speaker of the House of Representatives.*

Extract from A. A. 19th Dec. 1807, to make appropriations for the year one thousand eight hundred and seven.

Appropriation for the purchase of arms.

Sec. 11. *And be it further enacted by the authority aforesaid*, That the sum of sixty-five thousand dollars be, and the same is hereby appropriated for the purchase of arms of an uniform caliber, for the militia of this state; and that the Comptroller-general, the Treasurer of the lower division, and John Blake, be, and they hereby are authorized and required to make the said purchases, preserving always as near as possible, the proportion of one sabre and pair of pistols to ten muskets; and that they be, and hereby are allowed a commission of one per cent. on the amount of purchases by them to be made, as a compensation for their services.

Said arms to be distributed.

Sec. 12. *And be it further enacted by the authority aforesaid*, That as soon as the said purchases are made, the said arms shall be distributed among the several regiments of the state, in the exact proportion to the number of effective men composing them, and the lieutenant-colonels of each regiment, on the receipt of said arms, shall give public notice of twenty days at least, in as many different places of the regiment as there are companies composing it, that on a certain day, and at a particular place in the most central part of the said regiment, the said arms will be exposed to sale, for cash, at ten dollars, to any person enrolled and liable to do militia duty in the said regiment, and shall continue the sale thereof, until the whole be disposed of; and the several lieutenant-colonels in the state, shall, at least once in every year, render to the Comptroller-general, on oath, a particular account of all the cash received by them on the sale of the said arms, and pay the amount into the treasury; which money, when paid into the treasury, shall constitute a fund for further purchases of arms to be made, and be disposed of on the same terms as is hereby directed.

Persons appearing at muster without arms, to be fined.

Sec. 13. *And be it further enacted by the authority aforesaid*, That as soon as the arms hereby directed to be purchased, are received, and exposed to sale by the lieutenant-colonel of any regiment, any person entitled to vote for members of the legislature of this state, and liable to do militia duty in the said regiment,

who shall attend any company, troop, battalion, squadron, or regimental muster, without the arms required by law for him to have, shall forfeit and pay a fine of one and a half dollar, for every such default; unless he shall swear, or otherwise make it appear that all the arms allotted to that regiment, have been sold, or shall swear that he is too poor to pay for such arms.

Sec. 14. *And be it further enacted by the authority aforesaid*, That a sum not exceeding five thousand dollars, be, and the same is hereby appropriated for the purpose of mounting the heavy cannon, field pieces and howitzers, belonging to the state, and for repairing the carriages of such as require repairs; and that the governor be, and hereby is authorized to carry the same into effect. Appropr for mou cannon.

Sec. 15. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby appropriated for the purpose of purchasing military stores; and that the Comptroller, Treasurer of the lower division, and J. Blake, be authorized to make such purchases. Appropr for purcl military

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An Act, explanatory of former acts relative to the mode of determining the seniority of officers in the militia of this state, and for other purposes therein mentioned.

Passed Dec. 18

Whereas it appears that captain Jacint Laval and captain John Geddes, hold commissions in the first squadron, eighth regiment of cavalry, of the same grade, each to take rank on the same day: And whereas, in consequence thereof, Isaac Walter, esquire, lieutenant-colonel of the said regiment, did order and direct their seniority to be determined by lot, as directed by law: And whereas, brigadier-general Read set aside and annulled the said order, and a court of enquiry, unauthorized in such cases by any law, was called by the governor of this state, to determine the rank of the said officers, and the seniority thereby given to captain Jacint Laval, although the same had not been determined by lot, as is directed by law as aforesaid, whereby it appears that the said captain John Geddes has been deprived of a right secured to him by the militia laws in such cases made and provided:

Sec. 1. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That lieutenant-colonel Isaac Walter, or the commanding officer of the said eighth regiment of cavalry, is hereby required and directed, on or before the first monday in February next, to cause the seniority of rank between captain Geddes and captain Laval, to be determined by lot, according to the mode prescribed by the militia laws.

Sec. 2. *And be it further enacted by the authority aforesaid*, That in all cases where two officers hold commissions of equal

grade, and are entitled to take rank on the same day, notwithstanding the said commissions may have been issued and filled up on different days, yet the seniority of such officers shall be determined without reference to their former commissions, by lot, according to the directions of an act of congress, passed the eighth day of May, one thousand seven hundred and ninety-two, and an act of this state, passed the eighteenth day of December, one thousand seven hundred and ninety-four, in conformity thereto.

Sec. 3. *And be it further enacted by the authority aforesaid*, That this act be deemed a public act; and that it shall be the duty of the militia officers of this state to enforce the due observance thereof.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America, the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

An Act to alter and amend an act entitled, "An act concerning the cavalry and artillery of this State, and for other purposes therein mentioned, passed the 16th December, 1797."

Passed 19th Dec. 1807.

Whereas, by the 8th section of the act aforesaid, it is enacted that the company of artillery attached to the 28th regiment, the company attached to the 29th regiment, and the company attached to the 30th regiment of infantry, shall form one battalion; and the said battalion, together with the Charleston battalion of artillery, shall form one regiment: And whereas, no such company as is stated in the said act to be attached to the 30th regiment of infantry, did or does exist: And whereas, the governor and commander-in-chief for the time then being, did permit to be raised, a company of artillery, by the name of the Federalist Artillery Company, pursuant to the act of congress in such case made and provided, and did duly commission the officers thereof; which company hath ever since acted with the said regiment of artillery, as a company of the battalion aforesaid, formed by the act aforesaid, commonly called and known as the second battalion of the said regiment of artillery:

Federalist Artillery Company attached to the regiment of artillery.

Sec. 1. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and it is hereby enacted by the authority of the same*, That the said company of artillery, called the Federalist Artillery company, be, and the same is hereby attached to the said regiment of artillery, as one of the companies of the said second battalion of the said regiment, and that the officers thereof shall, in all cases, take and be entitled to rank in the said regiment, and the militia of this state, according to law and the dates of their commissions.

Sec. 2. *And be it further enacted by the authority aforesaid*, That if at any time hereafter, it shall happen that one or more of the companies forming the said second battalion of artillery, shall be dissolved, or otherwise legally cease to exist, it shall and may be lawful to and for the governor or commander-in-chief for the time being, to raise, or cause or permit to be raised, one or more companies, as the vacancies of the said second battalion of artillery may require, and to commission the officers thereof according to law; which company or companies, as the case may be, shall be attached and form a company or companies, as the case may be, of the said second battalion of artillery, in the room and stead of any company or companies so dissolved or ceasing to exist, so that the said battalion may always be kept entire.

If any company forming a part of the second battalion of artillery, shall be dissolved, another shall be raised

Repealing clause.

Sec. 3. *And be it further enacted by the authority aforesaid*, That so much of the said act, entitled, an act concerning the cavalry and artillery of this state, passed the 16th December, 1797, as is repugnant to this act, be, and the same is hereby repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America, the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

An Act to give the militia officers of this State, who have not taken the oath required by the act of the general assembly, passed the nineteenth day of December, one thousand seven hundred and ninety-four, in the manner directed by said act, further time to take the said oath.

Passed 19th Dec. 1807.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That all militia officers of this state, who have received commissions, and who have not taken the oath prescribed by the act of the general assembly of this state, passed the nineteenth day of December, in the year one thousand seven hundred and ninety-four, within the time limited by the said act, and who shall take the said oath within the space of one year from the date of the passing of this act, shall be, and they are hereby established in their respective commissions, and shall take grade in the same manner, and possess the same rights and privileges as they might or would have had, provided they had taken the oath as prescribed and directed by the said act of the general assembly, passed on the nineteenth day of December, in the year one thousand seven hundred and ninety-four; any law or custom to the contrary notwithstanding.

Sec. 2. *And be it enacted by the authority aforesaid*, That nothing in this act shall extend, or be construed to extend to any militia officer of this state, who is or may now be concerned in

any division already made by any military court, or where there are now any officers contending for rank in consequence of the aforesaid oath not having been taken, or may contend for three months after the passing of this act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America, the thirty second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

An Act requiring the major-generals of the militia of this State to cause one uniform system of evolutions to be adopted by the cavalry within their respective divisions, for perfecting the several officers of militia throughout this State, in their military duty, and for other purposes therein mentioned

Passed 17th Dec. 1808.

Whereas it is highly expedient and necessary, that a uniform system of evolutions should be adopted for the cavalry; that the several militia officers throughout this state, should become perfect in their military duties, and that patrol duty should be strictly and regularly performed:

Uniform system of evolutions to be adopted by the cavalry of this state.

Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an uniform system of evolutions be adopted and performed by the cavalry of this state, the same to be settled and agreed upon by the major-generals and the adjutant-general, or a majority of them; that it shall be the duty of the major-generals of the militia of this state, to cause the same to be notified to, and to be adopted and observed by the cavalry within their respective divisions.*

Officers to attend brigade musters.

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all the officers of the several different brigades throughout this state, under the rank of brigadier, excepting artillery and cavalry officers, to assemble in some central and proper place within their respective brigades, in full uniform, and equipped with a musket, bayonet, cartouch box, and twenty-four cartridges, once at least in every two years, and there be kept on duty, and in the practice of the manual exercise, for a time not exceeding six days, nor less than three days, as the major-general of each division may think fit and proper; and it shall be the duty of the several brigadier-generals to attend the said officers so assembled within their respective brigades, and to lead, train, discipline and manœuvre the said officers, according to the system of Steuben, or any other system which may be adopted by congress; and it shall be the duty of the adjutant-general and

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* By A. A. 19th Dec. 1833, sec. 26, the commander-in-chief is authorized to have a system of cavalry and artillery tactics compiled and distributed for the use of those corps throughout the state.

brigade-majors, within their respective brigades, to attend such musters, and be subject to orders as on reviews; and it shall alobe the duty of the major-generals, within their respective divisions, to attend at the said musters; which said musters of the officers as aforesaid, shall be ordered by the governor or commander-in-chief, and at such times as he shall deem fit and proper for the purposes intended by this act; and in case any of the officers required by this act to attend the musters aforesaid, shall fail or neglect so to attend, the said officers respectively, so failing or neglecting, shall be subject to the fines and forfeitures following, that is to say: A major-general shall be fined in the sum of sixty dollars; a brigadier-general in the sum of fifty dollars; a colonel in the sum of forty dollars; a major in the sum of thirty dollars; a captain, lieutenant or ensign, in the sum of twenty dollars; and that such defaulter or defaulters shall be tried in the same manner as is now directed by the militia laws of this state, and the fines applied to the use of the brigade in which such fines and forfeitures have accrued.* Fines for not attending said musters.

Sec. 3. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the officers of the several regiments within this state, in like manner to assemble once at least in every year, in some convenient and central place within the bounds of the said regiments respectively, at such times as the respective brigadiers shall order, accoutred in the same manner as herein before directed; at which regimental musters, it shall be the duty of the brigade-major of the respective brigades to attend; and the said officers respectively, in case of default, shall be subject to the same fines and forfeitures as are in the said clause mentioned; which said fines and forfeitures are to be collected in like manner as aforesaid, and to be applied to the use of the regiments in which such fines and forfeitures have accrued.† Officers to attend regimental musters.

Sec. 4. *And be it further enacted by the authority aforesaid*, That every lieutenant-colonel who shall wilfully neglect to turn out at a regimental muster, shall be fined in a sum of forty dollars, and fifty per cent. on the amount of his last general tax; and that every major, for a like neglect, either at a regimental or battalion muster, shall be fined thirty dollars, and also fifty per cent. on the amount of his last general tax; that every captain, for a like neglect, shall be fined twenty dollars, and also a sum not exceeding fifty per cent. on his general tax; that every subaltern officer, for a like neglect, shall be fined fifteen dollars, and also a sum not exceeding fifty per cent. on the amount of his Fines for not attending said musters,

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* Repealed by A. A. 17th Dec. 1824, sec. 1, but re-established by A. A. 19th Dec. 1833, sec. 27, which requires a brigade encampment to consist of all the officers of the brigade, to meet once in two years, to continue five days, and to be attended by the major-general or officer commanding the division, with his staff.

† Repealed by the above act of 1833.

general tax: and that every non-commissioned officer and private, for a like neglect, shall be fined the sum of three dollars, and fifty per cent. on the amount of his general tax; that every captain who shall wilfully neglect to turn out at any ordinary muster, shall be fined in the sum of six dollars, and also fifty per cent. on the amount of his general tax; that every subaltern officer, for a like neglect, shall be fined in the sum of four dollars, and also fifty per cent. on the amount of his general tax; and that every non-commissioned officer and private, for the like neglect, shall be fined the sum of one dollar and fifty cents, and fifty per cent. on the amount of his general tax.*

Fine for not performing patrol duty.

Sec. 5. *And be it further enacted by the authority aforesaid*, That every person liable to perform patrol duty, or liable to procure a substitute to perform the same, shall, on failure, (without legal excuse) to ride patrol, either by himself or substitute, in their respective turn, for every such default, forfeit and pay to the commanding officer of the company of which such patrol is a detachment, the sum of two dollars, and also the sum of fifty per cent. upon the amount of his last general tax, to be recovered before the captain of such company; the money to go to the use of the company, of which such patrol is a detachment.†

Officers to perform patrol duty, and where.

Sec. 6. *And be it further enacted*, That no officer, either of infantry, cavalry or artillery, shall be excused from the performance of patrol duty; but every officer, either of cavalry, infantry or artillery, and every private, shall be liable to perform patrol duty in the beat, under the captain of said beat, within which such officer or private resides.

This act, how to be construed

Sec. 7. *And be it further enacted*, That every clause and article in this act contained, shall be construed to extend, as well to officers and privates of the cavalry, artillery and volunteer companies, as to the officers and privates of the infantry.

Repealing clause.

Sec. 8. *And be it further enacted by the authority aforesaid*, That all acts and clauses of acts repugnant hereto, be, and the same are hereby repealed.

The militia ordered to be organized, exempt from ordinary militia duty, but shall perform camp duty.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the proportion of the militia of this state, ordered to be organized and held in readiness to act at a moments warning, be exempt during their organization and the continuance of such orders, from ordinary militia duty, and be subject to the immediate command only of the officers detached with them; and that the militia so detached, until called into actual service, shall be subject and liable to the same fines and penalties for breach of duty, as by law are imposed on the militia of the state generally; such fines to be appropriated to the use of the respective battalions or regiments in which they may accrue: and that the militia so detached, be required to assemble in battalions, squadrons, or regiments, at the discretion of the commanding officers

* Altered by Act 19th Dec. 1833, sec, 37, 38, 39.

† Altered by A. A. 19th Dec. 1809, sec. 9.

of regiments or brigades, to be encamped, and there to perform all the usual duties and exercises of a camp, and to continue embodied and encamped for not less than three or more than five days; and that the troops who may perform such duty, shall be entitled to rations, or money in lieu thereof, agreeably to the contract of the United States for rations in this state; and that the sum of four thousand dollars be appropriated in the tax bill for the above purpose, and that his excellency the governor be, and he is hereby authorized to apply to the Comptroller-general for warrants, and the said Comptroller-general to issue the same, in favor of the commanders of the corps who may encamp as aforesaid, for the rations or amount thereof due to said corps respectively.*

Sec. 10. *And be it further enacted by the authority aforesaid*, That the following mode, in relation to the rise of officers, and no other mode be hereafter adopted and adhered to, viz. That in case of any vacancy for any commissioned officer in any company, such vacancy shall be filled up by the ballot of all persons enrolled, (including alarm men,) in such company: That in case the majority in any battalion or squadron shall become vacant, that such vacancy shall be filled up by the votes of the commissioned officers of such battalion or squadron, who shall be compelled to elect a major from the captains of said battalion or squadron: That in case of the death, resignation or removal of any lieutenant-colonel, that the vacancy thereby occasioned shall be filled up by the votes of the captains in said regiment, who shall elect a lieutenant-colonel from one of the majors of said regiment; and if it should happen that two majors are not in commission when the lieutenant-colonel may die, resign or be removed, that the commissioned officers of the battalion in which such vacant majority may occur, shall be obliged to appoint a major or majors, as the case may be, before a choice of lieutenant-colonel can be made: That in case of the death, resignation or removal of any brigadier-general, that the vacancy thereby occasioned, shall be filled up by the votes of the field officers of the brigade, electing him from among the lieutenant-colonels: That in case of the death, resignation or removal of any major-general, that the vacancy thereby occasioned, shall be filled up by the brigadier-generals of the division, electing from among themselves.† Mode to be hereafter adopted in relation to the rise of officers.

Sec. 11. *And be it further enacted by the authority aforesaid*, That the regiments of cavalry and artillery of the two divisions of the militia of this state, be formed into brigades; one brigade of each to be attached to each division;‡ and that as soon as his excellency the governor shall report the organization of said brigades, the brigadier-generals thereof shall be appointed The regiments of cavalry and artillery to be formed into brigades.

* Expired.

† Altered by A. A. 19th Dec. 1816, sec. 1.

‡ Repealed by A. A. 19th Dec. 1809, sec. 2.

from among the colonels of the brigades respectively, by the field officers of the same.*

The sanction of congress to be obtained.

Sec. 12. *And be it further enacted by the authority aforesaid,* That certified copies of this clause of this act, together with the laws heretofore passed in relation to the cavalry and artillery of this state, be transmitted to the senators and members of Congress from this state, with a request that they endeavor to obtain from the Congress of the United States, their sanction of the organization of the cavalry and artillery of this state.

Fines in uniform companies how to be collected.

Sec. 13. *And be it further enacted by the authority aforesaid,* That the officers commanding uniform corps of infantry, cavalry or artillery, shall, on their courts martial being approved of, hereafter transmit tho same to the adjutant of their regiments, whose duty it shall be to sign and issue executions against all persons returned as defaulters by said courts martial, except as to the militia of Charleston, where the brigade collector shall sign all executions, and collect all fines.†

Persons removing must enrol their names where they settle.

Sec. 14. *And be it further enacted by the authority aforesaid,* That all persons enrolled in any company of militia in this state, who shall or may remove out of the company, beat or precinct, or settle or reside for the space of three months in any other part of the state, and who shall not enrol his name and do ordinary militia duty in the place or precinct to which he may so remove and remain for the time above mentioned, or any longer space of time, shall be liable to be fined as a defaulter in case the company in which his name is enrolled has performed militia duty during such his absence.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

An Act to amend an act, entitled, an act to cede to the United States various forts and fortifications, and sites for the erection of forts, passed the nineteenth day of December, one thousand eight hundred and five.

Passed 17th Dec. 1808.

Whereas, by an act passed the nineteenth day of December, one thousand eight hundred and five, entitled, an act to cede to the United States various forts, fortifications, and sites for the erection of forts, it is enacted, that a quantity of land, not exceeding four acres, for a battery or fort, and necessary buildings,

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* Colonels and majors of cavalry and artillery, made eligible to the office of major-general and brigadier-general, by A. A. 19th Dec. 1809, sec. 2.

† Altered by A. A. 24th Sept. 1813, sec. 12, and A. A. 19th Dec. 1833. sec. 32.

on Doctor Blythe's point of land at the mouth of Sampit river, shall be ceded to the United States. *And whereas*, it is necessary to cede a greater quantity of land for the purposes aforesaid:

Sec. 1. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That there shall be, and hereby is granted to the United States of America, all the right, title and claim of this state to a quantity of land not exceeding six acres, on Doctor Blythe's point of land at the mouth of Sampit river, adjoining and in addition to the quantity of land not exceeding four acres, by the act aforesaid granted to the United States for a battery or fort and necessary buildings.

Sec. 2. *And be it enacted by the authority aforesaid*, That Joseph Alston, Savage Smith, Benjamin Huger, John Keith, and Paul Trapier, or any three of them, be, and they are hereby appointed commissioners, and authorized to locate by proper metes and bounds, at the expense of this state so far as the charges of surveyors shall be incurred, the above mentioned quantity of land; and who shall return into the office of the secretary of this state, on or before the the first day of June, in the year one thousand eight hundred and nine, a fair plat of survey and accurate description of the said land so ceded, setting forth the limits and bound of the same.

Sec. 3. *And be it further enacted by the authority aforesaid*, That all the provisions, restrictions and clauses contained in the aforesaid act, applicable and relative to the quantity of land not exceeding four acres of land on Doctor Blythe's point of land at the mouth of Sampit river, thereby ceded to the United States, shall be, and the same are hereby declared to be applicable and relative to the quantity of land not exceeding six acres, by this act ceded and granted to the United States.

Sec. 4. *And be it enacted by the authority aforesaid*, That five acres of the public lands near the town of Beaufort, including the site of Fort Lyttleton, be ceded to the United States for the purpose of erecting a fort, and that Colonel Colcock, Stephen Elliott and Samuel Lawrence, be commissioners to locate the same; and that the said commissioners be, and are hereby vested with the powers, and are required to perform the duties prescribed by the preceding clause of this act.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

An Act to amend and explain the Militia Laws of this State.

Rise of officers fixed.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That in case of vacancy of the majority in any battalion or squadron, the captains and subalterns thereof shall fill up the said vacancy, by the election of some officer from among themselves: That in case of vacancy of a colonel's commission in any regiment, the majors and captains thereof shall fill the same, by election of some officer from among themselves: That in case of vacancy in the commission of a brigadier-general, the colonels and majors of the brigade shall fill the said vacancy, by the election of some officer from among themselves: That in case of the vacancy of a general of division, the colonels and brigadiers of such division shall fill the same, by the election of some officer from among themselves.*

Part of a former act repealed.

Sec. 2. *And be it further enacted by the authority aforesaid*, That so much of an act, passed at the last session of the general assembly, as enacts that the cavalry and artillery of this state shall be arranged into brigades, be and is hereby repealed; and that hereafter, colonels and majors of cavalry, and colonels and majors of artillery respectively, may and shall be eligible by election, to the commission of brigadier-general,† or general of division,‡ as the case may be, agreeably to terms set forth in the foregoing clause of this act.

How elections are to be held.

Sec. 3. *And be it further enacted by the authority aforesaid*, That all elections for officers as aforesaid, shall be ordered by the officer commanding the battalion or squadron, regiment, brigade or division, wherein the vacancy shall occur, as the case may be, giving at least thirty days notice for the election of a major, at least forty days notice for that of a colonel, and at least fifty days notice of the election for a brigadier-general or general of division; that at every such election, it shall require a majority of the persons eligible to vote, to constitute an election, and a majority of the votes to elect.§

Hoyt's system of exercise and evolutions adopted.

Sec. 4. *And be it further enacted*, That in consequence of the major-generals and adjutant-general of this state, not having, as directed by the first section of the militia law, passed the seventeenth day of December last, brought forward a system of uniform exercise and evolutions for the training of cavalry, that the exercise and evolutions laid down and published by —— Hoyt, be now and hereafter adopted, and none else, throughout the

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* Altered by A. A. 19 Dec. 1816, sec. 1, and A. A. 19 Dec. 1833, sec. 7.

† Provided he be of or above the rank of captain, and held his commission twelve months next preceding the election.—A. A. 19 Dec. 1833, sec. 7.

‡ Provided he be of or above the rank of Major, and held a commission of or above the rank of captain for 12 months next preceding the election.—*Ibid.*

§ *Altered* by A. A. 19 Dec. 1816, sec. 8.

state, until the major-generals, and adjutant-general, do bring forward such uniform system as directed by the aforesaid act.

Sec. 5. *And be it further enacted by the authority aforesaid*, That in future all fines to be imposed for neglect of patrol or militia duty generally, in every company, battalion, regiment or brigade, shall be collected as follows, viz. by such person or persons* as the majors, lieutenant-colonel, or commanding officer of regiments or brigades, shall appoint to collect the same within their respective commands; and that the said person so to be appointed to collect said fines, shall be allowed a per centage on the monies to be collected by them respectively, not exceeding ten per cent. and that it shall be the duty of the senior officer presiding at a court-martial, to furnish the collector so to be appointed, with a list of fines imposed by such court, within fifteen days after the said court shall have imposed the same; and that the said collector shall, within thirty days after receiving such lists, notify to each delinquent the amount of his fine, and require the payment of the same; and if the said delinquent so to be notified of his fine, shall neglect to pay the same for the space of fifteen days after such notification, the said collector shall issue an execution, and may arrest thereunder the body of said delinquent for satisfaction of said fine, unless the said delinquent shall point out sufficient property which can be levied on for satisfaction of said fine so to be imposed, and that it shall be the duty of the several tax collectors in this state, on the reasonable request of any commissioned officer in the militia, or of any collector of militia fines, to discover and make known the amount of the last general tax of any defaulter liable to be fined as aforesaid: *Provided, always*, That every non-commissioned officer or private, who may conceive himself aggrieved by the sentence of any court martial, shall have a right to appeal from the same, (within fifteen days after being notified of the fine imposed) to the field officers of his regiment; and the determination of a majority of the field officers of such regiment, shall be conclusive on the subject submitted to them.† How fines are to be collected

Sec. 6. *And be it further enacted by the authority aforesaid*, That all officers ordering court-martials, or authorized by law to approve court martials within their respective commands, shall, as often as they may think proper, and once in every year at least, compel the collector or collectors of fines as aforesaid, and all others who may have received or collected fines for neglect of patrol or militia duty, to come to an account and reckoning, and pay over the said fines so collected, to be applied according to law.‡ Persons collecting fines, to account to the proper officer.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the field officers of the seventh brigade, residing within the

*This duty now devolves upon the sheriffs, by Act 19th Dec. 1833, sec. 32.

† Appeals abolished by Act 19th Dec. 1833, sec. 30.

‡ Altered by A. A. 19th Dec. 1833, sec. 36.

Officers in the parishes of St. Philip's and St. Michael's to purchase land for a parade ground.

parishes of St. Philip's and St. Michael's, shall have power for the use of the militia of said parishes, to purchase as much land, not exceeding three hundred acres, as they may deem requisite and sufficient for a parade ground, or place of military exercise; and they and their successors in command, may hold the same for ever thereafter, as a parade ground for the use of the militia aforesaid, free of taxes; and to aid them in the purchase hereby intended to be made, the said field officers, or a majority of them, shall have liberty to draw one or more lotteries, the profits whereof to be applied in payment of said parade ground, and to no other purpose, and not to exceed the amount of the said purchase.

Officers to meet and be instructed.

Sec. 8. *And be it enacted by the authority aforesaid*, That the lieutenant-colonels or commandants of the respective regiments of this state, shall at least once in every year, order and direct the several commissioned and non-commissioned officers under their command, to assemble completely armed and accoutred, in some convenient and central place, within their battalion or regimental precinct, one day previous to the battalion or regimental parade or review, for the purpose of being instructed in the exercise and manœuvres intended to be performed by the battalion or regiment to which said officers may be attached, at the next parade or review of the same; which said duty shall be in substitution of the duties required by law, of said regimental officers, under the act passed seventeenth of December, one thousand eight hundred and eight; and any commissioned officer neglecting to obey the order of his commanding officer as aforesaid, shall be liable to the fines imposed by the aforesaid act, and every non-commissioned officer to the same fines as are imposed by law on them in case of their neglect of militia duty.*

Fine for not riding patrol.

Sec. 9. *And be it further enacted by the authority aforesaid*, That every person liable to perform patrol duty, or liable to procure a substitute to perform the same, shall, on failure, (without legal excuse) to ride patrol, either by himself or substitute, in their respective turn, for every such default, forfeit and pay to the commanding officer of the company of which such patrol is a detachment, the sum of five dollars, and also the sum of five per cent. upon the amount of his last general tax, to be recovered before the captain of such company, the money to go to the use of the company of which such a patrol is a detachment; and all acts and clauses of acts, repugnant hereto, be, and the same are hereby repealed.†

Money appropriated.

Sec. 10. *And be it further enacted by the authority aforesaid*, That the sum of five hundred dollars be appropriated, subject to the draft of the governor, for the payment of the balance due of the expenditure of the late quota of the militia of this state; and that the sum of five thousand dollars be appropriated, and be subject to the draft of the governor, as a provision in case the gen-

* Altered by A. A. 16th Dec. 1815, sec. 7.

†*Altered by* A. A. 18th Dec. 1819, sec. 9.

eral government should call upon this state to furnish a quota of active militia to take the field, and not otherwise; and also that the sum of two thousand five hundred dollars be appropriated for the purpose of building two new sheds, for the securing of the carriages for the artillery in Charleston, and for repairing the former ones built for that purpose, and that the same be subject to the draft of the field officers of the twenty-eighth and twenty-ninth regiments of this state, and the field officers of the regiment of artillery in Charleston.*

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*
JOSEPH ALSTON, *Speaker of the House of Representatives.*

An ACT providing for the better defence of this State, and for other purposes therein mentioned.

Passed 29th Aug. 1812.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That the commissary-general of purchases, be, and he is hereby authorized to draw on the comptroller-general, to comply with such contract or contracts, as may have been made by him in behalf of the state, or which shall hereafter be made: *Provided* he does not at any time draw from the treasury more than the sum of ten thousand dollars; and that whenever he may have drawn to the amount of ten thousand dollars, he shall account therefor previous to his making any further draft, and that it shall be the duty of the commissary-general to render, monthly, an account to the governor, of the sum or sums so drawn by him, the manner in which the same has been expended and also the manner in which the articles so purchased have been disposed of.

Sec. 2. *And be it further enacted*, That the commissary general of purchases is hereby required to give bond with security, in the sum of thirty-thousand dollars, for the faithful performance of his duty; which security shall be approved of by the governor and comptroller-general.

Sec. 3. Temporary.

Sec. 4. *And be it further enacted*, That the arms and equipments herein directed to be purchased, the arms and equipments now on hand, and any arms and equipments which may at any time be appropriated by the general government for the use of this state, shall be distributed and disposed of by the governor and commander in chief, in such manner, and in such propor-

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* Expired.

tions, among the several regiments of militia, as in his judgment shall most conduce to the interest and better defence of this state.

Sec. 5. Expired.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the governor be, and he is hereby authorized to direct the commissary-general to dispose of any muskets and ordnance in the arsenals of this state, which may be unfit for repair, on the best terms which can be obtained, and deposit the proceeds in the treasury of the state; and that the sum of two thousand dollars, be, and the same is hereby appropriated, for the purpose of mounting and putting in complete order for actual service, the cannon belonging to the state, and repairing the carriages of such as are or may hereafter be injured.

Sec. 7. *And be it further enacted by the authority aforesaid*, That all acts or clauses of acts heretofore passed, making appropriations for the purchase of ordinance, arms or military stores, be, and the same are hereby repealed; and all sums which remain unexpended of such appropriations, shall pass over to the credit of the treasury of this state, to remain there until appropriated by law.

Extract of an Act to make appropriations for the year one thousand eight hundred and twelve.

Forts to be furnished with ordnance.

Sec. 1. *And be it further enacted by the authority aforesaid*, That the governor be authorized to furnish each fort or battery already erected, or which may hereafter be erected, on any part of the coast, with two or more pieces of ordnance, of such calibre as in his opinion is best calculated to promote the end contemplated: *Provided* the said forts or batteries be so situated as will enable them to aid in the defence of the maritime frontier.

Appropriation to pay the militia.

Sec. 2. *And be it enacted by the authority aforesaid*, That the sum of forty thousand dollars be, and the same is hereby appropiated for the pay, rations and support of such of the militia of this state as the governor and commander-in-chief shall think proper to call out for the defence of the state, pursuant to the laws in that case made and provided, if so much be necessary.

An Act to exempt the officers, non-commissioned officers and privates of the City Guard of Charleston, from militia duty.

Whereas it has been represented to the legislature, that under the present militia laws of this state, the officers, the non-commissioned officers and privates of the City Guard of Charleston,

are subject, notwithstanding their enrolment under the ordinance of said city, to be fined by the officers of militia in whose beat they reside, for not performing the duties required under the militia law, when at the same time they are performing the duties of guard and watch of the city: therefore, to remedy in future this inconvenience and grievance—

Be it enacted, and it is hereby enacted, That from and after the passing of this act, that so much of the militia law of this state shall be, and is hereby repealed, as imposes a fine or fines on any member of the City Guard of Charleston, so long as said members so continue, and until discharged from the said guard, notwithstanding such member of the guard may be resident-ter in the militia beat: *Provided*, that the City Guard of Charleston shall at no time consist of more than one hundred rank and file; and this act may in the above case be specially plead.*

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

An Act to alter and amend the militia laws of this State.

Passed 24th Sep. 1813.

Sec. 1. *Be it enacted by the the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That the commander-in-chief for the time being may, in case of invasion, or other emergency, when he shall judge it necessary, order out any portion of the militia of this state, to march to any part thereof, and continue not more than three months at any one time, and until relieved, for which he shall make timely provision; and likewise may, in consequence of an application of the executive of any of the United States on an invasion or insurrection, or on apprehension of an invasion of such state, at his discretion, order any number of militia, not exceeding one third part thereof, to such state: *Provided*, That the militia which shall be so ordered out of the state, shall not be obliged to continue on duty out of this state more than two months at any one time.

Commander-in-chief may order out the militia.

Sec. 2. *And be it further enacted by the authority aforesaid*, That in all cases when the militia are ordered out by virtue of this act, volunteers and substitutes shall be accepted in the place of those ordered out, under the conditions, limitations and restrictions already established by law.

Volunteers & substitutes to be accepted.

* Re-enacted by A. A. 19th Dec. 1833, sec. 46.

Process when to be executed.

Sec. 3. *And be it further enacted by the authority aforesaid,* That no civil officer whatsoever, shall on any pretence, execute any process (unless for treason, felony or breach of the peace) on any person whatsoever, when such person shall be called out into service, and embodied by the executive authority of this state, in pursuance of the directions of this act, or within thirty days* after such person shall be discharged from the service upon which such person shall be called out, under the penalty of twenty dollars; and the service of any such process shall be void to all intents and purposes whatsoever; and that all suits which may be pending against such persons, shall stand and be continued over in the same manner as if they had been regularly postponed by affidavit.

Estates of persons called out to be protected

Sec. 4. *And be it further enacted by the authority aforesaid,* That the estate of any person whatsoever, when such person shall be called out, and embodied, in pursuance of the directions of this act, shall be free and exempt from levy, distress or sale by virtue of any legal process whatsoever, from the time any such person shall be called out as aforesaid, and until thirty days shall elapse after such person shall be discharged from the service upon which such person shall be so called out; and that any person making any such levy, distress or sale as aforesaid, shall be fined in the sum of twenty dollars; and every such levy, distress or sale as aforesaid, shall be void to all intents and purposes whatever.

Pay of militia while in service.

Sec. 5. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the officers, non-commissioned officers, musicians and privates of the infantry, artillery, cavalry and riflemen of the militia of this state, when called into service, and embodied by the authority of the laws thereof, and whilst remaining therein, shall be entitled to the same pay, rations and forage, with the regular troops of the United States.

Pay when to commence.

Sec. 6. *And be it further enacted by the authority aforesaid,* That whenever the militia shall be called into the actual service of this state, by the authority of the laws thereof, their pay shall be deemed to commence from the day of their appearing at the places of battalion, regimental or brigade rendezvous, allowing to each officer, non-commissioned officer, musician and private soldier, a day's pay and rations for every fifteen miles from his home to such place of rendezvous, and the same allowance for travelling home from the place of discharge.

How to be governed while in service.

Sec. 7. *And be it further enacted by the authority aforesaid,* That whenever the militia, or any part thereof, shall be in actual service, and embodied, in consequence of being so ordered

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* The Act of 1813, which avoids any civil process served on any person "when he shall be called *out into service*, or *embodied* by the executive authority, or within *thirty days after such person shall be discharged from the service*," applies only to those cases where the militia are called out to actual service, in a state of actual warfare or an emergency of war, and not upon an occasion *like the* reception of Gen. La Fayette.—*Kirkpatrick v. Irby*, 3 *M'Cord*, 205.

out by the commander-in-chief, either within or without the state, they shall be subject to the same rules and regulations as the troops of the United States shall be subject to at the time the militia shall be so ordered out, in order to secure as far as possible, an uniformity of discipline between the militia of this state and the troops of the United States; and the said rules and articles shall be proclaimed with due solemnity, at the head of such detachment, as soon after their being assembled as possible.

Sec. 8. *And be it further enacted by the authority aforesaid*, That whenever a militiaman in either of the aforesaid cases shall have been duly summoned or ordered to appear at the rendezvous appointed, and shall not appear, then, and in that case he may be fined in a sum not exceeding five hundred dollars, and the amount of his taxes last paid to the state, at the discretion of a court martial, to be composed of officers of the detachment ordered out, if it be convenient, if not convenient, of officers of the brigade to which the delinquent shall belong, or of any other officers of the militia of this state, at the discretion of the commander-in-chief, who is hereby authorized to order the said courts, in conformity with the usage of the army of the United States; and in addition to the fine which the said court-martial may inflict on any person who may subject himself to any of the aforesaid penalties, the said court martial may, at their discretion, sentence any delinquent to imprisonment in the common gaol for a term not exceeding three months: *Provided always*, that no fine or imprisonment shall be imposed on any delinquent until he shall have been summoned to appear before a court-martial, to shew cause why such fine or imprisonment should not be imposed. Fine for n turning ou

Sec. 9. *And be it further enacted by the authority aforesaid*, That as often as it shall happen, that any non-commissioned officer or private, shall be absent when any non-commissioned officer shall call to warn him to appear at rendezvous, a notice in writing, signed by such non-commissioned officer, and left at the usual place of his abode, shall be deemed a sufficient warning. How to b warned to out.

Sec. 10. *And be it further enacted by the authority aforesaid*, That all fines which shall be imposed by virtue of this act shall be collected in the following manner; The president of every court-martial shall make a list of all the persons fined, designating the company to which they belong, and the sum imposed as fines on each person, and draw his warrant under his hand and seal, directed to any sheriff of any district, as the case may be, thereby commanding such sheriff to levy such fine or fines, together with his costs, of the lands, tenements, goods and chattels of such delinquent; and every such sheriff to whom such list and warrant aforesaid shall be directed and delivered, shall execute the same by levying and collecting the said fines as aforesaid, and shall make return thereof within forty days from the receipt of such warrant, to the president who issued the same; and should the sheriff be able to find no lands, tenements, goods or c attels of which to levy the said fine or fines, then he shall Fines hov be collect

take the body of said delinquent, and commit it to gaol, and there keep it until the said fine or fines shall be paid, or until double the time shall have elapsed for which the delinquent would have served, had he joined the militia so ordered out, and the said sheriff shall be entitled to the same fees for collecting the aforesaid fines, and subject to the same penalties for neglect as are allowed and provided in similar cases.

To be paid to the pay master.

Sec. 11. *And be it further enacted by the authority aforesaid*, That all fines collected as above, shall be paid into the hands of the paymaster of the regiment to which the delinquents shall respectively belong.

Fines for patrol or militia duty how to be collected.

Sec. 12. *And be it further enacted by the authority aforesaid*, That all fines and penalties, (except such as are otherwise provided for by this act) now incurred, or which may hereafter be incurred, or imposed for neglect or default of patrol or militia duty, (except in the parishes of St. Philip's and St. Michael's) may be be collected in the following manner, to wit; by warrant under the hand and seal of the captain, or other commanding officer of the company, or by the presiding officer* of the court martial by which the fine is imposed, which said warrant may be directed to any sergeant† of the company to which the delinquent belongs, commanding him to levy and collect the said fine or fines, and the said sergeant is hereby authorized and required, under the penalty of twenty dollars, to call on every delinquent, who shall be named in such warrant, or in a schedule or list to the warrant annexed, and to demand payment of the said fine or fines; and on neglect or refusal to make such payment after demand thereof, so as aforesaid made, then the said sergeant having the aforesaid warrant, is hereby required forthwith to proceed to collect the said fine or fines, together with such costs as are received by constables in small and mean causes.

Form of warrant to collect fines.

Sec. 13. *And be it further enacted by the authority aforesaid*, That the form of the warrant to be issued by the captain or commanding officer of the company, or the presiding officer of the court martial for the collection of the fines aforesaid, shall be as follows:

The State of South-Carolina.

Whereas the persons named in the schedule or list hereunto annexed, have been duly sentenced by a court martial to pay the sums to their names affixed; this warrant therefore authorizes and requires you to levy and sell of the goods and chattels, sufficient to pay the fine and costs, which have been adjudged against him; and pay over the fines aforesaid to the proper officer.

Given under my hand and seal, the —— day of ——, one thousand eight hundred and ——,

A. B. Captain, (L. S.)

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* Restricted to the president of the court martial, by A. A. 19th Dec. 1833, sec. 32.

† This duty now devolves upon the sheriffs, by Act 19th Dec. 1833, sec. 32.

Sec. 14. *And be it further enacted by the authority aforesaid*, That if the said person to whom the said warrant shall be directed, shall make return, that he cannot find any goods and chattels to be levied on, then the officer who issued the warrant, is hereby authorized and required to issue a warrant against the body of the delinquent, and take him to the common gaol, there to remain for such time a is already provided for by law, unless the fine and costs may be sooner paid.

Body of delinquent may be taken.

Sec. 15. Whereas, Chapman Levy, Francis Blair, William Robinson, Robert Singleton, Joshua English, John Hughson, William Trapp, A. Blanchard, John Parker and Robert Coleman, have prayed for leave to raise a fund by one or more lotteries, for the purpose of purchasing arms and other munitions of war for the use of the Camden Rifle and Artillery companies.

Be it therefore enacted by the authority aforesaid, That the said Chapman Levy, Francis Blair, William Robinson, Robert Singleton, Joshua English, John Hughson, A. Blanchard, John Parker and Robert Coleman, be, and they are hereby authorized to raise a fund, not exceeding five thousand dollars, by establishing and drawing one or more lottery or lotteries, the said fund to be appropriated for the purchase of such arms as may be suitable for actual service, for the use of the said Camden Rifle and Artillery companies.

Camden rifle and artillery companies authorized to raise money by lottery.

Sec. 16. *And be it further enacted by the authority aforesaid*, That all free persons of colour, pioneers* fatigue men, musicians, trumpeters, buglers, drummers and fifers, attached to, or liable to do duty in any company, troop or corps, shall be entitled to the same pay, and be liable to the same fines and penalties, and subject to the same rules and regulations as the militia of this state are liable to.

Pioneers, &c. how paid and governed.

Sec. 17. *And be it further enacted by the authority aforesaid*, That the commander-in-chief for the time being, shall have authority to remove to some temporary place of safety and deposit, such portion of the arms, ammunition and military stores, at any time deposited in the public arsenals of the state, as circumstances may appear to require, and when necessary in his opinion, to provide and furnish sufficient guards to protect the public arsenals until it be found expedient to call out into public service detachments of the militia, on whom this duty may in part devolve.

Commander-in-chief may remove public arms.

Sec. 18. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the governor and commander-in-chief for the time being, from time to time, to examine, or cause to be examined by some proper officer, the situation of the respective arsenals throughout the state, to require security from the arsenal keepers, and to remove them for negligence or other improper conduct, or incapacity of performing the duties devolving

Arsenals to be examined and the keepers to give security.

* The performance of the duty of pioneers by free persons of colour, abolished by A. A. 20th Dec. 1823, sec. 13.

on them as such; and to appoint, in cases of removal, other persons to supply the vacancies thereby created.*

Governor may aid in erecting temporary works.

Sec. 19. *And be it further enacted by the authority aforesaid*, That the commander-in-chief for the time being, may, at his discretion, aid and assist the citizens of any portion of this state, in erecting temporary works, and means of protection, and build such redoubts and establish such military posts, as he shall deem necessary, and best calculated to promote the common defence.

Additional compensation to the adjutant general.

Sec. 20. *And be it further enacted by the authority aforesaid*, That the governor shall be, and he is hereby authorized to make the adjutant general, from the contingent fund, such additional compensation as the additional duties imposed on that officer may in his judgment render proper and reasonable; *Provided* the same do not exceed five-hundred dollars per annum.†

Acts repugnant to this repealed

Sec. 21. *And be it further enacted by the authority aforesaid*, That all acts and parts of acts repugnant to this act, be and the same are hereby repealed.

In the Senate House, the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Sovereignty and Independence of the United States of America.

JAMES B. RICHARDSON, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

An Act for the protection of the Maritime Frontier of this State.

Passed 21st Dec. 1814.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That the governor and commander-in-chief of this state be, and he is hereby authorized to cause a survey to be made of the maritime frontier of this state, and in conjunction with the officer of the United States army commanding this military district, to fix upon certain points for the establishment of block houses or other fortifiations for the protection of the coasting trade; and he is hereby authorized to build block houses on the said points, or establish such a chain of military posts, as will in his opinion most effectually provide for the protection of the maritime frontier; and the governor is hereby authorized, in case the United States shall not provide a sufficient number of men to occupy and defend the said posts, to call into service such portion of the militia of this state as may be necessary for the purpose aforesaid.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the sum of fifty thousand dollars, if so much be necessary,

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* Arsenals and Magazines abolished throughout the State, except at Charleston and Columbia, A. A. 19th Dec. 1830, sec. 3.

† *Temporary.*

be, and the same is hereby appropriated for the purposes above mentioned.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOMAS BENNETT, *Speaker of the House of Representatives.*

An Act to prolong the time for certain militia officers to take the Oath or affirmation prescribed by law.

Passed 20th. Dec. 1814.

Whereas many officers of the militia have, through inadvertence, neglected to take the oath or affirmation prescribed by the act, entitled, "An additional act to the act, entitled, an act to organize the militia throughout the state of South-Carolina," passed on the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, in conformity with the act of Congress:

Sec. 1. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That a further time of six months be allowed the said officers to take the said oath or affirmation, before some justice of the peace or quorum, who shall certify the same on the back of their commissions; and the said officers thus taking the said oath or affirmation, shall be still qualified to hold their said commissions, any law to the contrary notwithstanding: *Provided nevertheless,* That if the said officers do not, within the said time, take the said oath or affirmation, their commissions shall be vacated.

Sec. 2. *And be it further enacted by the authority aforesaid,* That any officer or officers, taking the oath or affirmation within the time above mentioned, shall receive commissions of the same date, and shall be entitled to take the same grade as if he or they had taken the said oath or affirmation according to the requisitions of the above mentioned act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOMAS BENNETT, *Speaker of the House of Representatives.*

An Act to raise a brigade of State troops.

Passed 20th Dec. 1814.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly,*

Brigade of infantry to be raised.

and by the authority of the same, That there shall be raised in this state one brigade of infantry, in the manner hereinafter mentioned: That said brigade shall consist of two regiments, each regiment of two battalions, each battalion of five companies, and each company of one captain, one first lieutenant, one second lieutenant, one third lieutenant, one ensign, five sergeants, six corporals, two musicians, and ninety privates; that each battalion shall have one major, and each regiment one colonel, one lieutenant-colonel, one adjutant, one quarter master, one pay master, one surgeon, two surgeons mates, one sergeant-major, and one quarter-master sergeant; and said brigade shall be commanded by a brigadier-general, who shall appoint such brigade staff as are attached to the brigades in the army of the United States; and the colonels shall appoint the staff of their respective regiments.

General officers, how appointed and taken into service.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the brigadier-general and field officers of the said brigade shall be appointed by the legislature previous to their adjournment, but they shall not be called into service, nor be entitled to pay, until their respective commands have been raised; that is to say, as soon as five companies are raised, the eldest major shall be called into service; as soon as six companies are raised, the eldest lieutenant-colonel shall be called into service; and as soon as a regiment is raised, all the officers of a regiment shall be called into service; that as soon as the two regiments are completed, the brigadier-general, with his staff, shall be called into service; and when the services of these officers respectively are required, they shall be notified thereof by the governor and commander-in-chief.

Company officers, how appointed and commissioned.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the company officers of the said brigade shall be appointed and commissioned in the following manner, that is to say; as soon as any five citizens of the United States shall engage a full company of able bodied effective men, and present them to the governor or any inspector authorized to inspect them, or shall shew by the articles of engagement that he has actually engaged the said company, they shall be entitled to the commissions in that company, which shall be distributed according to any agreement which shall have been made between the parties; and the company first raised shall rank first; that is to say, the captain thereof shall be the first captain in the brigade, and with his officers shall take rank from the day on which his company was inspected and received, and all the companies which shall be raised in the manner aforesaid, shall rank from the day on which they shall be inspected and received.

A person furnishing a man for the brigade to be exempted from draft.

Sec. 4. *And be it further enacted by the authority aforesaid*, That every militia man of this state, who shall furnish an able bodied man for the brigade, shall be, and he is hereby exempted from any draft to which the militia of this state shall be liable during the service of the brigade, excepting in cases of invasion or

insurrection; and the said citizen so furnishing such recruit, shall, in every other respect be liable to the performance of militia and patrol duty, as is now required by law; and the certificate of any officer of the said brigade shall be regarded as sufficient evidence to entitle any militia man to the exemption aforesaid: *Provided however*, That the recruit so furnished, shall not be entitled to and receive the bounty offered by the state.

Deficiency of troops to be made up.

Sec. 5. *And be it enacted by the authority aforesaid*, That if the whole number of troops authorized by this act shall not be raised in the manner before mentioned, the deficiency shall be raised in the following manner, that is to say: The governor shall appoint four convenient places of rendezvous, or more, for the four battalions hereby authorized to be raised, and shall, by proclamation, call upon all persons who shall raise any number of men, to present them, on the first day of May next, at one of the places of rendezvous appointed by him; that the governor is hereby authorized and directed to appoint some proper person to inspect the said troops, that if any five persons shall then and there present a full company, they shall be first commissioned; that if no full companies shall have been commissioned, or there shall remain vacancies in the said regiment, the person presenting the greatest number of men shall be commissioned captain, and take rank next to those previously commissioned; the person presenting the next greatest number shall be the next captain, and so on until all the vacancies are filled, each officer taking rank according to the number of men he shall bring: *Provided always*, That no person shall be entitled to a captain's commission who shall bring less than forty men; no person a first lieutenant's commission who shall bring less than twenty-one men; no person a second lieutenant's, who shall bring less than eighteen men; no person a third lieutenant's, who shall bring less than fourteen men; and no person an ensign's, who shall bring less than ten men: *And provided also*, that if a greater number of men are presented than are required, those who bring the greatest number of men shall be first accepted, and the surplus shall be discharged proportionably, and by lot, and the men so discharged shall be entitled to receive forty cents per day from the time they left the place of their engagement, until their return to the same place, at the rate of fifteen miles for every day.

Engagement to be signed.

Sec. 6. *And be it further enacted by the authority aforesaid*, That any person who shall undertake to raise men for the brigade aforesaid, shall be authorized to obtain signatures to an engagement to serve the state during the continuance of the present war; and any person who shall sign such engagement, shall be bound thereby as firm as if they had regularly engaged with an authorized officer of the state, and if after having so engaged he shall fail to appear at the places of rendezvous appointed by virtue of this act, he shall be deemed a deserter, and proceeded against accordingly; and on the said recruits appearing at any of the above mentioned places of rendezvous, he shall receive a

bounty of thirty dollars, and have the rules and articles of war read to him, and shall be liable to the said rules and articles of war, as practised in the army of the United States. *Provided nevertheless*, That nothing herein contained shall affect any minor, unless such minor shall have the sanction in writing of his father, if he be alive, and if the father be not alive, of his mother, and if neither father nor mother be alive, then of his guardian.

Rank of officers determined by lot.

Sec. 7. *And be it further enacted by the authority aforesaid*, That on the appointment of the field officers, a joint committee of the two houses shall determine by lot the rank of the officers; those which shall draw the lowest numbers shall be the highest in rank, and be attached to the first regiment, and the others to the second regiment; and the said regiments shall be called the first and second regiments of South-Carolina State Troops; and in case any officer appointed by the legislature shall refuse to accept said appointment, or resign or die before the battalions shall have been raised, the governor shall appoint some suitable person to fill such vacancy.

Officers how to rise.

Sec. 8. *And be it further enacted by the authority aforesaid*, That the officers of the said brigade shall rise in line in conformity to the regulations adopted in the army of the United States; and the governor shall appoint proper persons to be ensigns in the place of those who shall be promoted.

Pay and clothing of the officers and men.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the officers, non-commissioned and privates of the said brigade, shall be entitled to the same pay, rations, clothing, and allowance (except bounty) as the troops of the United States.

Rank of officers, &c. when serving with the army of the United States.

Sec. 10. *And be it further enacted by the authority aforesaid*, That the officers of the said brigade shall, when serving with the militia of this state, or the army of the United States, have the same rank as the officers of the United States' army, and that all persons attached to the said brigade, committing any offences shall be tried, and the offenders punished by a court-martial, composed of the officers of the brigade; and when any offence shall be committed by the brigadier-general, or the field officers of the said brigade, a court-martial shall be held by the militia officers of the state.

Uniform of the brigade.

Sec. 11. *And be it further enacted by the authority aforesaid*, That the uniform of the said brigade shall be blue woollen coatees and pantaloons, after the same fashion, and in every respect conformable with the uniform of the infantry of the United States, except that the non-commissioned officers and soldiers shall wear round wool hats, with blue pompons; but the officers of the said brigade shall wear the same dress as the officers of the United States infantry, with yellow buttons, gold epaulets and a blue feather.

Brigade to be offered to the United States.

Sec. 12. *And be it further enacted by the authority aforesaid*, That as soon as the said brigade, or any part thereof, shall be raised, they shall be offered by the governor to the United States, *on the* condition, however, that they be kept within the state for

the defence thereof, unless in the case of an actual invasion of a contiguous state, it shall become necessary to call on the people of South-Carolina to assist in repelling them; in which case the said brigade may be marched to repel such invasion: *Provided*, they be not kept out of the state longer than necessary to repel such invasion, and while so out of the state, an equal number of militia be called into service by the United States, for the protection of this state.

Governor to transmit this act to the secretary of war.

Sec. 13. *And be it further enacted by the authority aforesaid*, That immediately after the passing of this act, it shall be the duty of the governor to transmit a copy thereof to the secretary of war, and to know from him how far the United States can aid the state in arms, clothing, and munitions of war; and he is hereby authorized and directed to order the commissary-general of purchases to procure whatever may be necessary for the purposes aforesaid, and which cannot be provided by the United States; and the governor is authorized to draw orders on the treasury in favor of the proper officers, taking receipts for the same; and all the accounts of the expenditures made by virtue of this act, shall be rendered to the comptroller-general, and by him be laid before the legislature.

Boats to be attached to the military posts.

Sec. 14. *And be it further enacted by the authority aforesaid*, That as soon as any part of the said brigade shall be called into service, the governor shall be authorized to purchase, and attach to the several posts that may be established on the sea board, any number of row, or other boats, not exceeding twelve, suitable to the transportation of troops at a moment's warning, to any point of attack, and to be employed as look-out boats, to ascertain the approach of the enemy's barges, and to give notice thereof to the coasting trade.

500,000 dollars appropriated.

Sec. 15. *And be it further enacted by the authority aforesaid*, That the sum of five hundred thousand dollars be, and the same is hereby appropriated out of any monies in the treasury not otherwise appropriated, for the purpose of carrying this act into full and complete effect.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America,

JAMES R. PRINGLE, *President of the Senate.*

THOMAS BENNETT, *Speaker of the House of Representatives.*

An Act to divide the State into Five Divisions and Ten Brigades.

Passed 21st Dec. 1814.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and immediately after the passing of this act, this state shall be divided into five divi

sions, and to each division there shall be a major-general: The first of which divisions shall comprehend the districts of Edgefield Abbeville, Pendleton and Greenville; the second division shall comprehend the districts of Barnwell, Beaufort, Colleton, Charleston, Orangeburgh and Lexington, (except the Dutch Fork between Saluda and Broad rivers;) one other division shall comprehend the districts of Georgetown, Williamsburgh, Horry, Marion, Marlborough, Chesterfield and Darlington; one other division shall comprehend the districts of Richland, Sumter, Kershaw, Lancaster, Chester, and Fairfield; one other division shall comprehend the districts of Union, York, Spartanburgh, Newberry and Laurens, (including the Dutch Fork between Saluda and Broad rivers.)

Sec. 2. *And be it further enacted by the authority aforesaid*, That the rank of the three last divisions, created by virtue of this act, shall be ascertained and determined by lot, in the manner following: that is to say, a joint committee of both houses shall forthwith cause the words Eastern Division, Northeastern Division, and Northern Division, to be respectively written on three pieces of paper, which shall be folded up and put into a hat, and they shall then cause a child under ten years of age to draw out, in their presence, two of the said pieces of paper or lots, and that which shall be first drawn, shall be the third division of this state; that which is next drawn shall be the fourth division; and the remaining lot or piece of paper shall be the fifth division.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the rank of the brigades and regiments of infantry shall likewise be determined by lot: The first division having the lowest numbers and highest rank; those of the second division shall be next lowest in numbers, and highest in rank; and so on according to the rank of the respective divisions, taking care so to conduct the drawing, that the lowest number of the respective brigades be given to the lowest number of the respective divisions, that the lowest number of the respective regiments be given to the lowest number of the respective brigades; and that the rank of the battalions in their respective regiments be always determined by the seniority of their respective majors.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the districts of Fairfield and Chester, shall form and constitute one additional brigade, which shall be numbered according to the rank to which it may be drawn.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the cavalry now raised and hereafter to be raised in the districts of Fairfield and Chester, shall form one regiment or squadron, according as the number of troops therein may warrant.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the legislature, under this act, shall choose by ballot, the major-generals of the three additional divisions created by virtue of this act, who shall take rank according to the number of their *divisions*. The legislature shall also choose in like manner, the

brigadier-general of the newly formed brigade; and as soon as the brigadier-general is notified by the governor of his election, he shall proceed to divide his brigade into four regiments, and after he has made such division, he shall appoint five fit and proper persons in each regiment, whose duty it shall be to divide the respective regiments into battalions and companies as near as conveniently may be, conformably to the acts of congress: *Provided* no officer now in commission in said regiments shall be divested of his commission by such division or alteration.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*
THOMAS BENNETT, *Speaker of the House of Representatives.*

An Act to appoint certain commissioners for the purpose of assessing the value of certain lands in the parish of St. Philip's, on which fortifications are now erecting for the defence of Charleston, and for other purposes therein mentioned.

Passed, 16th Dec. 1814.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That Keating Simons, Robert Little, Bartholomew Carroll, John J. Bulow and Samuel Robertson, shall be, and they are hereby appointed commissioners, to assess the lands in the parish of St. Philip's, in the district of Charleston, on which fortifications are now erecting for the defence of Charleston, on the land side, and also such a number of feet both in front and rear of the works, as by them may be deemed necessary for the defence and protection of the same, and to contract with the owners of the said lands, for the purchase thereof for the use of the state.

Sec. 2. *And be it further enacted by the authority aforesaid*, That in case the owners of the said lands be not satisfied with the assessment and valuation made by the commissioners above mentioned, that they are hereby authorized, impowered and required to appoint an equal number of commissioners with those above named on their part for the purpose of making the valuation of the said lands, and that the commissioners above named, and such as may be appointed by the owners of the said lands, or a majority of them, shall value and assess the same.

Sec. 3. *And be it further enacted by the authority aforesaid*, That in case of vacancies happening in the number of commissioners above named, by death, resignation or otherwise, the governor for the time being shall fill such vacancy or vacancies by appointment.

Sec. 4. *And be it further enacted by the authority aforesaid*, That in case the commissioners named, and those who may be appointed in pursuance of any of the provisions of this act, or a majority of them, should not agree in making the valuation and assessment of the said lands, the governor for the time being, shall nominate and appoint a fit and proper person, as umpire, to make an assessment and valuation of the said land, which assessment and valuation is hereby declared to be final and conclusive, as respects the owners of the soil.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the valuation and contract for the lands aforesaid, shall be laid before the legislature at their next session, and shall not be binding on the state, until the same be approved of by them.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*
THOMAS BENNETT, *Speaker of the House of Representatives.*

An Act to alter and amend the Militia Laws of this State.

Passed 16th Dec. 1815.

Sec. 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and after the passing of this act, every officer of the militia of this state, who shall be declared by the sentence of a court martial, to be incompetent to discharge the duties of his station, shall be cashiered: *Provided*, every officer, after charges exhibited, shall be at liberty to resign; the said courts martial to be ordered by the officers commanding battalions, regiments, brigades and divisions respectively, and on major-generals by the commander-in-chief; and the members of every court martial hereafter to be held in this state, as well on officers as non-commissioned officers and privates, shall, in addition to the oath now prescribed by law, severally swear, "*That they will well and truly try and determine the cases that shall be brought before them, according to law, and the evidence that shall be adduced.*"

Incompetent officers to be cashiered.

OATH.

Sec. 2. *And be it further enacted by the authority aforesaid*, That courts martial on non-commissioned officers and privates, may hereafter be held by any three commissioned officers of the regiment to which they belong.*

Sec. 3. *And be it further enacted by the authority aforesaid*, That no appeal shall hereafter be made from courts martial, imposing fines on non-commissioned officers and privates, unless the appellant shall accompany his appeal by an affidavit, that

Courts martial on non-commissioned officers.

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* *Altered by A. A. 19th Dec. 1833, sec. 30.*

he could not attend the court by which he was fined, and that he does not appeal for the purposes of delay; in all other cases the decision of every such court martial shall, when approved by the officer ordering the same, be final and conclusive.* Appeals how to be made.

Sec. 4. *And be it further enacted by the authority aforesaid*, That every officer who shall hereafter be cashiered by the sentence of a court martial, shall be disqualified from holding any commission in the militia, for a period not less than one year, nor more than five, at the discretion of the court; and no officer who shall hereafter resign his commission, shall be re-eligible to the same office, until it shall have been filled by some other person. Officers cashiered not re-eligible.

Sec. 5. *And be it further enacted by the authority aforesaid*, That in addition to the fines now imposed by law on officers neglecting to attend the brigade encampments, without a sufficient excuse, every officer so neglecting, shall pay fifty per cent. on his general tax for the year preceding such default, and shall be fined the sum of one dollar, for each article of uniform or equipment which he shall not have at such encampment, unless he can shew that he could not procure the same;† and it shall be the duty of the brigadier and major-generals to attend the reviews of their respective brigades; and for their neglecting so to do, every brigadier-general shall be fined in the sum of fifty dollars, and fifty per cent on his general tax; and every major general, the sum of eighty dollars, and fifty per cent. on his tax. And all fines hereby imposed for default at any brigade encampment, shall be collected in the manner following, that is to say, the presiding officer of the court martial shall issue his warrant under his hand and seal, directed to any person now authorized to collect fines in the several regimental districts, who shall collect the same in like manner as other fines are now collected; and for the collection of the same, he shall be allowed twenty per cent. on the amount collected; and that the said penalty, when received, shall be paid to the collector of the regiment to be applied to the purchase of drums, fifes or colors for the use of the regiment, and for defraying other necessary expenses of the same, or the necessary expenses of the brigade or division.‡ Fine for not attending on encampment properly equipped

Sec. 6. *And be it further enacted by the authority aforesaid*, That every officer whose duty it shall be to enforce the militia laws of this state, who shall wilfully neglect so to do, shall, on conviction, be cashiered; and courts martial shall be ordered as in other cases. How said fines are to be collected.

Sec. 7. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the officers commanding regiments to assemble the officers and non-commissioned officers of their respective regiments, the day previous to every regimental mus- Penalty for not enforcing the militia laws.

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* Appeals abolished by A. A. 19th Dec. 1833, sec. 30.

† Repealed by A. A. 17th Dec. 1824, sec. 1. Brigade encampments re-established by A. A. 19th Dec. 1833, sec. 27.

‡ Repealed by A. A. 17 Dec. 1824, sec. 1.

Officers to assemble the day before regimental musters

ter, to instruct them in the exercise, and evolutions to be performed on the day following; and every officer and non-commissioned officer, who shall fail to attend at such meeting, shall be subject to the same fines as are imposed by law for non-attendance at regimental musters, and courts martial shall be ordered as in other cases.*

Officers of cavalry and artillery to attend brigade encampments.

Sec. 8. *And be it further enacted by the authority aforesaid*, That officers of the cavalry and artillery shall be liable to attend at the brigade encampments; and where cavalry or artillery companies are attached to regiments of infantry, the officers and non-commissioned officers of the companies so attached, shall attend the meeting of the regimental officers of infantry the day previous to every regimental muster, to be instructed in the evolutions to be performed,† and the said officers of cavalry and artillery shall, at the brigade encampments, be armed in the same manner as officers of infantry; and for non attendance at such encampments, or at the regimental meetings aforesaid, the said officers and non-commissioned officers shall be liable to the same fines as the officers of infantry; and any officer guilty of misconduct at any encampment or regimental meeting, shall be liable to be put under guard, and to be cashiered by the sentence of a court martial, and should any person not bound to attend at such meetings, molest or disturb the same, such person may be put under guard, and kept in confinement at the discretion of the commanding officer, during the continuance of such encampment.‡

U. States field exercise to be observed.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the rules and regulations of the field exercise and manœuvres of infantry compiled and adapted to the organization of the army of the United States, agreeably to a resolve of congress,§ shall hereafter be observed in the instruction and exercise of infantry within this state, and that every officer shall be furnished by the state with a copy thereof; and every such officer so furnished, shall be compelled upon the vacation of his commission, to deliver over to his suceessor the said book, under the penalty of five dollars, to be recovered before any magistrate.

Volunteer companies may be raised.

Sec. 10. *And be it further enacted by the authority aforesaid*, That the officers commanding regiments of infantry within this state, shall be authorized to permit volunteer uniform companies of infantry or riflemen to be raised within their respective com-

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* Re-enacted by A. A. 19 Dec. 1833, sec. 20.

† By A. A. 19 Dec. 1833, sec. 20, each colonel or officer commanding a regiment, is required to assemble all his officers and non commissioned officers the day previous to a regimental review, for the purpose of instructing them in the manœuvres to be performed the next day.

‡ Repealed by A. A. 17th Dec. 1824, sec. 1. Brigade encampments re-established—A. A. 19th Dec. 1833, sec. 27.

§ The army regulations of the United States are adopted as a system of *police* for the militia of this state. A. A. 19th Dec. 1833, sec. 26.

mands,* and the officers thereof shall be commissioned, if such companies shall consist respectively of forty effective rank and file in uniform; and officers commanding brigades are authorized to permit volunteer companies of cavalry and artillery to be raised within their respective commands, which shall consist of thirty effective men in complete uniform, and to commission the officers thereof; and if such volunteer companies of infantry or riflemen, shall, at any time be reduced below thirty men in uniform, and any such company of cavalry or artillery shall be reduced below twenty-four men in uniform, and the said companies respectively, shall not within six months after notice given by the commanding officer of the brigade or regiment, recruit their respective companies, they shall be dissolved, and the commissions of the officers forfeited: *Provided always*, That no beat or district company shall be reduced below thirty men by the formation of any volunteer company or companies: *and provided also*, that whenever any call shall be made for the services of any volunteer company, they shall go by companies under their own officers,† *Provided* nothing herein contained shall authorize the raising a greater portion of cavalry, artillery, riflemen or infantry, than are now authorized by law.‡

Sec. 11. *And be it further enacted by the authority aforesaid*, That the rank of officers in the militia of this state shall be the same as that of the officers of the army of the United States, that is to say, the commanding officers of regiments shall hereafter have the rank of colonel; the second officer in each regiment shall have the rank of lieutenant-colonel: and to each company of infantry, there shall be a captain, first lieutenant, second lieutenant and ensign; and every lieutenant-colonel in the state is hereby created a colonel, the first major of every regiment a lieutenant-colonel, the lieutenant of every company a first lieutenant, and the ensign of every company a second lieutenant: and elections shall be held throughout the state for ensigns in the several companies; and the proper officers are hereby authorized to give commissions to the officers hereby promoted, who shall take rank from the date of their former commissions to the officers hereby promoted, who shall take rank from the date of their former commissions respectively. Rank of officers settled.

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* By A. A. 19th Dec. 1820, artillery companies each to have 1 captain, 1 first, second, and third lieutenant.

† Altered by A. A. 19th Dec. 1833, sec. 14.

‡ The act of 1815, authorizing the commanding officers of regiments and brigades, to raise volunteer companies within their respective commands, never contemplated that they should have authority to enrol in their service the privates of another regiment or brigade—Therefore, where the members of a beat company had enrolled themselves as members of a volunteer corps of another regiment and brigade, from that of the beat in which they reside, they are not thereby exempt from the performance of militia duty, in such beat company.—*State v. Bates*, 1 Hill, 42.

Sec 12. *And whereas*, the Charleston Ancient Battalion of Artillery are now entitled to, or do assume certain exclusive privileges from which other military corps are excluded:

Be it therefore enacted by the authority aforesaid, That the said Charleston Ancient Battalion of Artillery, shall be, and they are hereby divested of all exclusive privileges, and put upon an equality with the other militia companies and battalions of this state: *Provided* the captian-lieutenants now in commission, shall retain their commissions; but when vacancies hereafter occur in said offices, no elections shall be held, nor rise by seniority, to supply said offices, but the office of captain-lieutenant shall be abolished.

Charleston ancient battalion of artillery divested of certain privileges.

Sec. 13. *And be it further enacted by the authority aforesaid*, That the governor and commander-in-chief, in order to prevent the confusion which may arise from too many men being under arms when fires shall break out in the city of Charleston, be, and he is hereby authorized to fix the number of men necessary to be under arms in such cases, and to make regulations by which a certain portion only of the militia of Charleston shall be required, for the period of thee months, to hold themselves in readiness to parade in cases of alarm from fire; and if any officer, non-commissioned officer or soldier so ordered, shall fail to attend at his muster ground in cases of alarm, he shall be subject to the same fines as are imposed by law for non-attendance at regimental musters.*

Charleston, how to be guarded in cases of alarm from fire.

Sec. 14. *And be it further enacted by the authority aforesaid*, That the governor and commander-in-chief be, and he is hereby authorized to cause to be sold, such arms as on inspection shall be found incapable of repair, and to pass the amount of such sales to the credit of the quarter-master-general's department, to be applied to the repair and preservation of arms.

Public arms to be sold.

Sec. 15. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the brigade quarter-master's, within the limits of whose brigades arsenals are or shall hereafter be established, to visit and inspect the same, at least once in every year, and to report to the quarter-master-general thereon, and that the several arsenal keepers within the state, shall each receive an additional compensation of one hundred dollars per annum, and shall give bond to the quarter-master-general for the faithful performance of their duties.†

Arsenals to be visited by brigade quarter masters.

Sec. 16. *And be it further enacted by the authority aforesaid*, That where vacancies shall hereafter occur in any company, battalion, regiment, brigade or division, such vacancy shall be filled by the officer next in rank, the officers rising by seniority in their respective companies, battalions, regiments, brigades and divisions.‡

Officers to rise by seniority.

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* Altered by A. A. 18th Dec. 1829, organizing the fire guard.

† Arsenals abolished throughout the State, by A. A. 19th Dec. 1833, sec. 3, excepti n Columbia and Charleston.

‡ *Repealed* by A. A. 19th Dec. 1836, which makes all offices elective.

Sec. 17. *And be it further enacted by the authority aforesaid*, That all acts and parts of acts contrary to any thing herein contained, be, and the same is hereby repealed. Former acts repealed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*
THOMAS BENNETT, *Speaker of the House of Representatives.*

An Act for the organization of the staff of the militia of South-Carolina, and for other purposes therein mentioned.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That the adjutant general's department shall hereafter consist of one adjutant and inspector general, with the rank of a brigadier general, and five division or deputy adjutant generals, with the rank of lieutenant-colonels, one in each division. That the quarter master general's department shall consist of one quarter master general, with the rank of colonel, five division or deputy quarter master generals, with the rank of major, and ten brigade or assistant deputy quarter master generals, with the rank of captain; one division quarter master being taken from each division, and one brigade quarter master from each brigade. That there shall be to each division of the state, one division or assistant inspector general, with the rank of lieutenant colonel, and to each brigade one assistant deputy inspector general, with the rank of major. There shall also be to the militia of the state one judge advocate general, with the rank of lieutenant colonel, and to each brigade there shall be a brigade or deputy judge advocate general, with the rank of major. Passed 13th Dec. 1815. Staff of the militia of this state organized

Sec. 2. *And be it further enacted by the authority aforesaid*, That there shall be one commissionary general of purchases, with the rank of lieutenant colonel; one commissary general of issues, with the rank of lieutenant colonel; one pay master general, with the rank of lieutenant colonel; one physician and surgeon general, with the rank of lieutenant colonel; one apothecary general, with the rank of major, and one brigade chaplain to each brigade. To be a commissary general of purchases &c.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the governor and commander-in-chief shall be entitled to ten* aids-de-camp, with the rank of lieutenant colonel, the major generals to three aids-de-camp, with the rank of major, and the brigadier general to two aids-de-camp with the rank of captain.* Aids-de-camp to be appointed

* By A. A. 20th Dec. 1832, authorized to appoint additional aids for a period of 2 years, sec. 10.

Adjutant gen. to be inspector general.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the adjutant-general shall be, and he is hereby appointed adjutant and inspector-general,* and that all the officers who now hold any of the aforesaid offices, be, and they are hereby confirmed in them respectively; and the governor and commander-in-chief shall be authorized to appoint proper persons to the offices hereby created, and to fill all vacancies which shall hereafter occur in any of the above-mentioned offices, except aids to the major-generals and brigadier-generals.

Other officers confirmed in their offices.

Governor to define the duties of the officers.

Sec. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the governor and commander-in-chief, and he is hereby authorized to prepare general regulations better defining and prescribing the respective duties and powers of the several officers before mentioned, which shall be respected and obeyed until altered and revoked by the same authority, and the said general regulations shall be laid before the legislature at their next meeting.†

Certain officers not to be affected thereby.

Sec. 6. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall be construed so as to affect the officers of the regimental staff, or the brigade majors now authorized by law, otherwise than being subject to the general regulations aforesaid.

Uniform of militia officers.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the uniform of the officers of the militia of this state, shall hereafter be the same in every respect as that now established in the army of the United States for officers of similar grade and character, and that all officers hereafter to be elected, shall be required to conform to this arrangement immediately on their election, and all officers now in commission shall be allowed twelve months to procure the new uniform :‡ *Provided* nothing herein contained shall be construed to extend to officers of volunteer companies.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*
THOMAS BENNETT, *Speaker of the House of Representatives.*

Passed 16th Dec. 1815.

Extract of an Act to make appropriations for the year one thousand eight hundred and fifteen, and for other purposes therein mentioned.

Sec. 13. *And be it further enacted by the authority aforesaid*, That so much of the act of the legislature, passed in the year

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* Salary fixed at $1500 by A. A. 19th Dec. 1833, sec. 2. Required to attend brigade encampments, A A. 19th Dec. 1833, sec. 29.

† For the general regulations directed by this act to be made, see Appendix.

‡ *Altered* by A. A. 19th Dec. 1833, sec. 47.

one thousand seven hundred and ninety-four, which provides for the payment of brigade inspectors, be, and the same is hereby repealed.

An Act to make all the officers of the militia of this State elective.

Passed 19th Dec. 1816.

Whereas experience has shewn that it is inexpedient that the officers of the militia of this state should rise by seniority: for remedy whereof,

Vacancies to be filled by elections.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and after the passing of this act, when any vacancy shall take place in any of the military commissions of the militia of this state, the same shall be filled by election in the following manner: when any vacancy shall take place in the commission of major-general, the governor for the time being, shall forthwith issue his orders to the several brigadier-generals of the division in which such vacancy shall happen, requiring such brigadier-generals to order an election in each regiment, within the division in which such vacancy shall have occurred, for a major-general to fill such vacancy; and all commissioned officers of the division, in which such vacancy shall have happened, shall be entitled to vote for a major-general, and any commissioned officer of the division in which such vacancy shall have occurred, shall be eligible to the office of major-general;* and each colonel shall return the state of the polls of his regiment, to the brigadier-general, who shall transmit the same to the governor, who is hereby empowered to pronounce the person having the greatest number of votes, to be duly elected, and shall commission such person accordingly.

Major-general how to be elected.

Brigadier-general how to be elected.

Sec. 2. *And be it further enacted by the authority aforesaid*, That when any vacancy shall take place in the commission of brigadier-general, the major-general, and in case there is no major-general, then the next commanding officer of the division shall forthwith issue his orders to the several colonels of the regiments composing the brigade where such vacancy shall be, to hold in each of their respective regiments, an election for brigadier-general, to fill such vacancy; and all commissioned officers of the brigade, where there shall be such vacancy, shall be entitled to vote for brigadier-general, to fill the same. And any commissioned officer† of such brigade shall be eligible to the office of brigadier-general, and each colonel shall attend the counting out the votes, and return the state of the polls of his regiment to the

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* Restricted to such field and staff officers above the rank of major, as have held a commission of or above the rank of captain for twelve months next preceding the election. See A. A. 19th Dec. 1833, sec. 7.

† Restricted to officers of the brigade of and above the rank of captain.—Ibid

commanding officer of the division, who shall pronounce the person having the greatest number of votes, duly elected, and commission him accordingly.

Colonel of infantry how to be elected.

And when any vacancy shall take place in the commission of colonel of infantry, the same shall be filled by election,* by all free white men, above the age of eighteen years, who reside within the said regiment, (except such persons as are attached to the cavalry, or any regiment of artillery,) the person having the greatest number of votes, shall be the person elected:†

Lieut. colonel how to be elected.

When any vacancy shall take place in the commission of lieutenant-colonel, the major then in commission in the same regiment, shall be immediately commissioned lieutenant-colonel: and whenever a vacancy shall take place in the commission of major, the same shall be filled by election, by all free white men above the age of eighteen years, who belong to the battalion where such vacancy shall occur, the person having the greatest number of votes shall be elected:

Captain, &c. how to be elected.

When any vacancy shall take place in the commission of captain, first lieutenant, second lieutenant, or ensign, of any beat company, the same shall be filled by election, by all free white men above the age of eighteen years, residing within said beat company,‡ the person having the greatest number of votes shall be the person elected:‖ *Provided nevertheless*, that nothing herein contained shall extend to any volunteer corps of artillery, cavalry or light infantry, who shall elect their respective officers from amongst themselves, in the following manner:

Colonel of cavalry, how to be elected.

When any vacancy shall take place in the commission of colonel of cavalry, the same shall be elected from amongst the officers, non-commissioned officers and privates of the said regiment, by themselves, the person having the greatest number of votes to be the person elected.§

Lieut. colonel, or major of cavalry or artillery how to be elected.

When any vacancy shall take place in the commission of lieutenant-colonel, or major of cavalry, or major of artillery, the same shall be filled by election, by the officers, non-commissioned officers and privates, composing the said battalion or squadron,

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* For mode of election, see A. A. 18th Dec. 1818, sec. 1.

† Colonels and majors to be taken from the commissioned officers of the regiment who have held commissions for six months. Act 19th Dec. 1833, sec. 8. Colonels, majors, and his own staff, to be commissioned by the brigadier general. A. A. 19th Dec. 1833, sec. 55.

‡ A. A. 19th Dec. 1833, sec. 8, requires the voters to have resided in the state six months next preceding the election.

‖ To be commissioned by the colonel or commanding officer of the regiment. A. A. 19th Dec. 1833, sec. 55.

§ No one eligible unless he has held a commission six months next preceding the election, and the voters must have resided six months in the state next preceding the election. A. A. 19th Dec. 1833, sec. 8.

from among themselves, the person having the greatest number of votes to be the person elected.*

When any vacancy shall take place in the commission of any captain, first lieutenant, second lieutenant, ensign or cornet of any company of artillery, light infantry or troop of cavalry, the same shall be filled by election by the officers, non-commissioned officers and privates of the said company or troop, from among themselves, the person having the greatest number of votes shall be the person elected.† Captain, &c. how to be elected.

Sec. 3. *Be it further enacted*, That when the commission of a colonel shall become vacant, the brigadier-general, or in case there be no brigadier-general, or major-general, commanding the said regiment, the governor for the time being shall appoint two fit and proper persons to open and hold a poll at each of the battalion muster grounds‡ of the said regiment, and two fit and proper persons to open and hold a poll at the regimental muster ground of the said regiment, which said managers shall advertise the same for forty days, in twelve§ public places in the said regiment; the said managers shall hold the polls one day at each place, from 11 o'clock in the morning, until three o'clock in the afternoon, and shall meet at the regimental muster ground on the day following, and count over the votes and declare the election. Colonel, how to be elected.

Sec. 4. *Be it further enacted*, That when the commission of major shall become vacant, the colonel, or if there be no colonel, the officer next in command in the said regiment or battalion, shall appoint two fit and proper persons to open and hold the poll for the said election, at the battalion muster ground|| of the said battalion, from ten o'clock in the morning until four o'clock in the afternoon, after having advertised the same for thirty days in six public places within the said battalion, and the said managers shall meet at the said place of election the day following, count over the votes and declare the election. Major, how to be elected.

Sec. 5. *Be it enacted*, That when any vacancy shall take place in a captain's commission, the lieutenant-colonel or officer commanding the battalion or squadron, shall appoint two fit and proper persons within the said company or troop to manage the said election, who shall hold the polls at the usual muster ground Captain, how to be elected.

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* When a vacancy takes place in the commission of lieutenant-colonel of cavalry or artillery, the major is to be commissioned lieutenant-colonel. A. A. 20th Dec. 1828.

† To be commissioned by the colonel or commanding officer of the regiment. A. A. 19th Dec. 1833, sec. 55.

‡ Altered so as to be held at each company muster ground in the regiment, by A. A. 18th Dec. 1818, sec. 1.

§ Each captain to advertise the same in three public places in the bounds of his command.—*Ibid.*

|| Altered so as to be held at each company muster ground in the battalion, and in other particulars, by A. A. 18th Dec. 1818, sec. 4.

of the said troop or company, from eleven o'clock in the morning until three o'clock in the afternoon, after having advertised the same for twenty days before the said election, in at least four public places in the said company or troop, and that on the same evening the managers shall count over the votes and declare the election.

Lieut. &c. how to be elected.

Sec. 6. *Be it further enacted*, That when the commission of first lieutenant, second lieutenant, ensign or cornet, shall become vacant, the captain, or if there be no captain, the major or lieutenant colonel commanding the said company or troop, shall appoint two fit and proper persons to hold an election at the usual muster ground of said company or troop from eleven o'clock in the morning until three o'clock in the afternoon, after having advertised the same for at least twenty days previous to the election, in at least four public places in the said company or troop, and that on the same evening the managers shall count over the votes and declare the election.

In time of actual service, vacancies to be filled by seniority.

Sec. 7. *Be it further enacted*, That when any division, brigade, regiment, battalion, squadron, company or troop shall be embodied and in actual service either under the authority of this state or of the United States, the vacancies therein shall be filled by seniority, agreeable to usages and customs of war.

Notice to be given of elections.

Sec. 8. *And be it further enacted*, That whenever an election is ordered for a major general, or brigadier general, it shall be the duty of each colonel, who shall be ordered to hold such election, to give fifty days notice in his regiment, of such election, and post up the said notice for that length of time at least at one public place in each beat in his regiment.

Courts martial & enquiry how to be constituted.

Sec. 9. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, it shall not be necessary in order to constitute a battalion court martial or court of enquiry, that a field officer should preside, but that the same may consist of a captain as presiding officer of said court, and four other commissioned officers of said battalion, one of whom at least shall be of the rank of a captain.*

Sutlers to be appointed.

Sec. 10. *And be it further enacted by the authority aforesaid*, That the commanding officer of any division, brigade, regiment, battalion, squadron, troop or company, who shall call out the men under his command to muster, shall be, and he is hereby authorized and empowered to appoint a sutler, to retail spirituous liquors at the muster ground of said division, brigade, regiment, battalion, squadron, troop or company, without any other license or permission: Provided that the said sutler so appointed, do furnish a suitable field to exercise the said troops on, to be approved by the commanding officer, who shall have ordered the said muster.

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* Altered by A. A. 19th Dec. 1833, sec. 39.

Sec. 11. *And be it further enacted*, That all acts and parts of acts repugnant to this act, be, and the same are hereby repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R PRINGLE, *President of the Senate.*
THOMAS BENNETT, *Speaker of the House of Representatives.*

Extract from the Act of Assembly, passed, 18th Dec. 1817.

Sec. 20. *And be it further enacted by the authority aforesaid*, That the Arsenal in Charleston be enlarged by the purchase of the lot adjoining the same, on the west side thereof, and Thomas Lee, Keating Simons, John C. Faber, William S. Smith and R. Y. Hayne, Esqrs. be and they are hereby appointed commissioners on the part of the state, and that an equal number be appointed on the part of the proprietor of said lot, to value the same, and that upon the said valuation being paid by the Comptroller-general, that the said lot so intended for public use, shall be vested in the state.

An Act to increase the number of places of elections now limited by law, for the elections of Colonels and Majors in each regiment or battalion throughout the state, and for other purposes therein mentioned.

Passed 18th Dec. 1818.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and immediately after the passing of this act, instead of the elections for colonels being only held at the battalion muster grounds, as heretofore, when the commission of colonel in any regiment shall hereafter become vacant, the brigadier-general, or in case there be no brigadier-general or major-general commanding said regiment, the officer next in command in said brigade, shall issue his order to be extended to each captain or commanding officer of a company constituting said regiment, to call to his assistance two of his subaltern officers, or if none, two other fit and proper persons, to open and hold a poll at their respective muster grounds; which said captain shall advertise for at least forty days, at three public places in the bounds of his command. The said managers shall hold the polls one day, from eleven o'clock in the morning until three o'clock in the afternoon, and shall meet at the regimental muster ground, the first or second day after the election, as may be ordered by the officer who shall order such election, to count over the votes and declare the election. That when the commission of major shall become vacant, the colonel, and if there be no colonel, the officer next in command in the said regiment, shall order each captain or commander of a com-

Elections, where and how to be held

pany, to call to his assistance two of his subaltern officers, or other fit and proper persons, to open and hold a poll at their respective muster grounds, giving forty days notice, by advertising in three public places in the bounds of their command; the said managers shall hold the poll on one day at their muster ground, from eleven o'clock in the morning until three o'clock in the afternoon, and shall meet on the battalion muster ground, or some public house near the same, on the day following, and count over the votes and declare the election.

Managers to be sworn.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the managers of elections, to be appointed in pursuance of this act, before they proceed to hold any election, shall be duly sworn that they will impartially and faithfully hold such election; and that the presence of not more than one manager from each place of election, shall be necessary at the time of counting over the votes and declaring the election.

Battalion of artillery in Winn's brigade dissolved

Sec. 3. *And be it further enacted by the authority aforesaid*, That the battalion of Artillery formed by an act of the general assembly of the year seventeen hundred and ninety-seven, of the three companies of artillery then in brigadier-general Winn's brigade, be and the same is hereby dissolved.

Managers exempted from ferriage and toll.

Sec. 4. *And be it enacted by the authority aforesaid*, That the managers of elections for colonels and majors as aforesaid, shall be exempted from paying any ferriage or toll, which are usually paid at the ferries and toll bridges within the state, while going to or returning from the places for holding and declaring the elections as aforesaid; any law, usage or custom to the contrary notwithstanding.

Capts. Sims and Farr's companies to be subdivided.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the brigadier-general, or commandant of the third brigade, be, and he is hereby authorized to appoint three fit and proper persons to subdivide into three companies, the two companies now commanded by captains Sims and Farr, of the south battalion, thirteenth regiment, South-Carolina militia: *Provided nevertheless*, That the officers now in commission shall hold their respective commissions in one of the said subdivided companies, and cause the vacancies for the balance of the officers to be filled up as heretofore provided for by law.

R. Hamilton's company to be subdivided.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the brigadier-general of the eighth brigade, be and he is hereby authorized to appoint three fit and proper persons to subdivide Robert Hamilton's company of militia, in the upper battalion and thirty-second regiment of the said eighth brigade, into two companies: *Provided nevertheless*, the officers now in commission in the aforesaid Robert Hamilton's company, shall hold their respective commissions in one of the said companies.

The act appointing brigade encampments repealed

Sec. 7. *And be it further enacted by the authority aforesaid*, That so much of an act passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, as requires all the officers of the several different bri-

gades throughout this state, under the rank of brigadiers, excepting artillery and cavalry officers, to assemble in some central and proper place, once at least in every two years, to be practised and instructed for a term not exceeding six days, nor less than three, be and the same is hereby repealed.*

Sec. 8. *And be it enacted by the authority aforesaid*, That all acts and parts of acts, repugnant to the true intent and meaning of this act, be and the same are hereby repealed. All acts repugnant to this act repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

An Act to excuse the officers of the several branches of the Bank of the State of South-Carolina from the performance of ordinary militia duty, and serving on juries.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That the president and cashiers of the several branches of the Bank of the State of South-Carolina, and the clerks employed in the same, shall be, and they are hereby declared to be exempted from the performance of ordinary militia duty, and from serving on juries.† Passed 16th Dec. 1818.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate,*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

An Act to provide for the more effectual performance of Patrol duty.‡

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That it shall be the duty of Passed 18th Dec. 1819.

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* Brigade encampments re-established by A. A. 19th Dec. 1833, sec. 27.

† Re-enacted by A. A. 19th Dec. 1833, sec. 46.

‡ The patrol act of 1819 is only a re-enactment of the act of 1809, and the former acts, with some small alterations. The act of 1819 and 1809, differ in three particulars—

1. As to the amount of fines.
2. In the person before whom the penalty is to be recovered.
3. For the appropriation of the fines.

State v. Cole, 2 *M'Cord* 1.

A separate organization of patrol for Charleston Neck established by A. A. 20th Dec. 1823.

Patrol districts to be formed,

the captains of the several beat companies within this state, within six months after the passing of this act, to cause their respective beats to be divided into convenient patrol districts, which divisions, when made, shall be permanent, until the same shall be altered by a majority of the officers of the said company; and in case the captain of any beat company shall neglect to perform the duty herein before required of him, he shall forfeit and pay the sum of thirty dollars, to be recovered in any court having competent jurisdiction.

Rolls to be made out.

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commanding officer of each and every beat company, to cause to be made out, a roll for each patrol district, which shall include the names of all the free white male inhabitants, above the age of eighteen years, residing within the said patrol district:* *Provided*, That nothing herein contained shall be construed to compel any male inhabitant of any beat company to perform patrol duty, either in person or by substitute, who may have attained the age of forty-five years or upwards, and who shall not possess any slave or slaves.

Patrol to be pricked off.

Sec. 3. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commanding officer of each and every beat company, at every regular petty muster, to prick off from the roll of each patrol district, at his discretion, any number of persons, who shall perform the duty hereinafter prescribed, until the next regular petty muster; and to every patrol, the commanding officer of the company shall appoint some prudent and discreet person as commander†—and in case the commanding officer of the company shall fail to prick off such patrol, or the commanders of the patrol shall fail to perform the duties herein required of them, they shall respectively forfeit and pay, to be recovered by indictment, a sum not exceeding thirty dollars.

and to turn out once a fortnight

Sec. 4. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commander of every patrol, at least as often as once a fortnight, to call out the patrol under his command,‡ and to take up all slaves who may be found without the limits of their owner's plantations, under suspicious circumstances, or at a suspicious distance therefrom, and to correct all such slaves by a moderate whipping with a switch or cowskin, not exceeding twenty lashes; unless the said slave shall have a ticket*

* A Judge of the supreme court of the United States, although an inhabitant of this State, and the owner of slaves, is not bound to the performance of patrol duty, personally or by substitute.—*State v. Martindale*, 1 *Bailey* 163.

No officer of infantry, cavalry or artillery, exempt from patrol duty. A. A. 17th Dec. 1808, sec. 6.

† The captain of a beat company cannot constitute himself the captain of Patrol.—*State v. Cole, et al*, 2 *M'Cord* 117.

‡ See A. A. May 10, 1794. sec. 29, 30, as to the performance of patrol duty when the troops of any district are called out in times of invasion or insurrection.

* The law does not require the master of a slave to state in a pass to what place the slave shall go. It is sufficient if it express a leave of absence for a *particular* time.—*Hogg v. Keller, et al*, 2 *Nott & M'Cord* 118. See Act 1740 *sec. 3*, Grimke's P. L. 146.

or letter, to show the reasonableness of his or her absence, or shall have some white person in company, to give an account of the business of such slave or slaves; and if any white man shall beat or abuse any slave, quietly and peaceably being in his or her master's plantation,† or found any where without the same, with a lawful ticket, he shall forfeit the sum of fifty dollars, to be recovered by the owner, and to his use, by action of debt, besides being liable to the owner in an action of trespass for damages.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the said patrols, in their respective divisions, shall have power, and they are hereby authorized and required, to enter into any disorderly house, or into any other house, vessel or boat suspected of harbouring, trafficking or dealing with negroes, whether the same be occupied by white persons, free negroes, mulattoes, mustizoes, or slaves, and to apprehend and correct all slaves found there, by whipping, as herein before directed; and the said patrols are moreover authorized and required to give information of such white persons as may be found in such house, vessel or boat, and to detain in their possession such produce or articles for trafficking, as may be found in such house, vessel or boat, if such detention be authorized by any three freeholders, or by any justice of the peace, until the same shall be recovered according to law. May enter disorderly houses.

Sec. 6. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for any slave, except in the company and presence of some white person, to carry or make use of any fire-arms, or other offensive weapon, unless such slave shall have a ticket or license in writing from his owner or overseer, or be employed to hunt and kill game, mischievous birds, or beasts of prey, within the limits of his master's plantation, or shall be a watchman in and over his owner's fields and plantation; and in case any white person shall find any slave using or carrying any gun or other offensive weapon, contrary to the intent and meaning of this act, he, she or they may lawfully seize such gun or offensive weapon, and convert the same, to his, her or their own use—but before the property of such goods shall be vested in the person who shall seize the same, such person shall, within forty-eight hours after such seizure, go before the next justice, and shall make oath of the manner of taking; and if such justice of the peace, after such oath shall be made, or if upon any other examination, he shall be satisfied that the said fire-arms or other offensive weapons shall have been seized according to the directions, and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, de- Slaves not to carry or use fire-arms.

† Defendant with others, assuming to act as a patrol, went into the house of plaintiff, and took from thence two guns: plaintiff was not then in the house, but a colored person who had charge of the plantation: No captain of the patrol was present, but the son of the captain of the patrol who claimed to command, as being authorized by his father. *Held* that they were no lawful patrol, and their act a trespass.—*Porteus v. Hazel & Jenkins*, Harp. 338.

clare them forfeited, and that the property is lawfully vested in the person who seized the same: *Provided*, That no such certificate shall be granted until the owner or owners of such fire-arms or other offensive weapon so seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves, from whom such fire-arms or other offensive weapon shall be taken or seized, shall be duly summoned, to shew cause, (if any such they have) why the same should not be condemned as forfeited, nor until forty-eight hours after the service of such summons, and oath made of the service thereof, before the said justice.

Patrol to be kept in good order.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the commander of every patrol shall have power to keep the men under his command in good order and demeanor during their term of service; and in case any patrol man shall misbehave himself, or neglect or disobey the orders of his commander, he shall be subject to a fine of not more than two dollars, to be imposed by the company court-martial to which such offender shall belong, to be paid to the commissioners of the poor, for the use of the poor.

Captain of patrol may be fined.

Sec. 8. *Be it further enacted*, That if any captain of a patrol shall act disorderly* while on duty, so as to defeat the orderly performance or execution of the patrol laws, agreeable to the true intent and meaning thereof, he shall be liable to be returned by either of the members of his patrol, or other person competent to give evidence to the commanding officer of the beat, who shall order a court-martial for such trial; and upon sufficient evidence being given of the charge, such captain of the patrol shall be fined in the sum of five dollars, to be recovered and applied as aforesaid, to the use of the poor.

Substitutes may be employed.

Sec. 9. *And be it further enacted by the authority aforesaid*, That it shall be lawful for any person or persons hereby declared liable to perform patrol duty, to send any able bodied white man, between the ages of eighteen and sixty, to perform patrol duty for him or them; and if any patrol man shall neglect or refuse to perform the duty required of him by this act, or to procure a substitute to perform the same, without a legal excuse, he shall forfeit and pay a fine of two dollars for each and every such default, and ten per cent. on his general tax for the year preceding, paid by him, on the property owned by him in the district or parish in which he is a defaulter—to be inflicted by a court-martial of the company† in which the offender may reside, to the use of the poor of the district or parish.

Defaulters to be fined two dollars.

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* If persons who have assembled for a lawful purpose, do afterwards associate together to commit an unlawful act, such association will be considered an assembling together for that purpose. So three or more patrolling may commit a trespass.—*State v. Cole, et al, 2 M'Cord* 117.

† By A. A. 19th Dec. 1833, sec. 30, the court-martial is to consist of three commissioned officers, to be appointed by the colonel of the regiment. See *A. A. 1834*, sec. 2, where the commissioned officers of each company are *authorized to* take the affidavits of defaulters from militia or patrol duty.

Sec. 10. *And be it further enacted by the authority aforesaid,* That each captain of patrol shall make a return upon oath, of the performance of the duties of his office as commander of such patrol, to the captain or officer commanding the beat company, at the regular times required by this act, under the penalty of a fine of twenty dollars, to be recovered by indictment. Return to be made on

Sec. 11. *And be it further enacted by the authority aforesaid,* That it shall be lawful for all persons, as well patrol as other persons, to apprehend and moderately correct with stripes, not exceeding twenty, all slaves who may be found without their master's plantations, without a ticket in the form or of the import of the ticket before prescribed by this act to be used by persons who shall have the care or management of any slave or slaves—or with a ticket, if such slave or slaves shall have in his possession any gun, pistol or other offensive weapon; unless such slave shall be on lawful business, or in company with some white person, not less than ten years of age; and also to disperse and punish as aforesaid, all unlawful assemblies of slaves, free negroes, mulattoes or mustizoes, whether the said assembly shall consist of all or any of the persons above described: *and provided always,* That nothing herein contained, shall be construed to authorize any person to break into or disturb any church or place of public worship, wherein shall be assembled the members of any religious society, a majority of whom shall be white persons, at any time before nine o'clock in the evening—unless the said person or persons shall have previously obtained a warrant from a magistrate, authorizing him to do so: *And provided also,* That nothing herein contained shall be construed so as to authorize any patrol or other person, to strike and correct, or beat in any manner, any slave or slaves who shall be employed by the person having the charge of such slave or slaves, in any incorporated town, when such slave or slaves shall be absent from the place of residence of such slave or slaves, between day-break and nine o'clock in the evening, within the limits of such incorporated town, unless such slave or slaves shall be engaged in an unlawful purpose. Slaves to apprehen and corre

Sec. 12. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person or persons who may be engaged in dispersing any unlawful assembly of slaves, free negroes, mulattoes or mustizoes, to enter into all such places as the said persons may be assembled at; and if resisted, they may break open doors, gates or windows. Unlawfu semblies dispersed

Sec. 13. *And be it further enacted by the authority aforesaid,* That every owner of any settled plantation, shall employ and keep on such plantation, some white man capable of performing patrol duty, under the penalty of fifty cents per head per month, for each and every working slave which may be on such plantation—to be recovered by indictment; one half to the informer, the other half to the use of the state: *Provided always,* That nothing herein contained shall be construed to affect any person Owners plantatio employ persons t on.

or persons, who resides on his, her or their plantation, for the space of seven months in the year, or who shall employ less than ten working slaves on such plantation.

Persons prosecuting and failing to pay treble costs.

Sec. 14. *And be it further enacted by the authority aforesaid*, That if any person or persons shall commence an action against any patrol or other person, for any trespass by him committed in carrying into execution the provisions of this act, and at the trial thereof shall fail to recover any damage, he, she or they shall be liable and adjudged to pay to the party so sued, treble costs.

Secretary of state to distribute this act.

Sec. 15. *And be it further enacted by the authority aforesaid*, That the secretary of state be, and he is hereby required to have a sufficient number of copies of the aforesaid act printed, and by him to be transmitted to the commandants of regiments, to be by them distributed to the commissioned officers of their respective regiments; and it shall be the duty of the captain or commanding officer of each company, to read this act to his company at least once in six months.

Acts repugnant to this act repealed.

Sec. 16. *And be it further enacted by the authority aforesaid*, That all acts and parts of acts repugnant to this act, be and the same are hereby repealed: *Provided nevertheless*, That nothing herein contained shall be construed so as to deprive the intendant and wardens of any incorporated town, of any power heretofore invested in them to regulate and order out patrols within the limits of such incorporation; but that such intendant and wardens shall have as full powers as they were invested with before the passing of this act.*

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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* The regulation of patrols is given to the several incorporated towns within their corporate limits, to wit: in

Camden. by A. A. 18th Dec. 1818, sec 1, and A. A. 18th Dec. 1830.			
Moultrieville,	14th Dec. 1819, § 1,	Orangeburgh. A. A.	17th Dec. 1831, §6
Columbia,	20th Dec. 1823, § 1,	Spartanburgh,	17th Dec. 1831, §5
Yorkville,	18th Dec. 1824, § 31	Greenville,	17th Dec. 1831, §5
Beaufort,	20th Dec. 1825, § 23,	Abbeville,	20th Dec. 1832. §5
Walterborough,	20th Dec. 1826, § 5.	Pendleton,	20th Dec. 1832, §5
Barnwell.	18th Dec. 1829, § 5,	Newberry,	20th Dec. 1832, §6
Lancaster	18th Dec. 1830, § 5,	Winnsborough,	20th Dec. 1832, §5
Edgefield,	18th Dec. 1830, § 5,	Anderson,	19th Dec 1833, §4

See end of this volume, for the clauses of the several acts, giving to the incorporated towns and villages, the regulation of patrol.

For Charleston, the patrol duty is performed by the City Guard, under the organization of the City Council.

An Act to give the same compliment of officers to companies of Artillery, in this State, as are required by the laws now in force, in the United States' service, and for other purposes therein mentioned. Passed 19th Dec. 1820.

Artillery companies to have the same compliment of officers.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and after the passing of this act, the several artillery companies in this State, shall have the same compliment of officers as are now required by law, in the companies of artillery, in the service of the United States, to wit: each company of artillery in this state, shall consist of one captain, one first lieutenant, one second lieutenant, and one third lieutenant.

Elections to fill up 3rd lieutenants.

Sec. 2. *And be it further enacted by the authority aforesaid*, That immediately after the passing of this act, elections shall be ordered and held in the same manner already prescribed by law, for the purpose of filling the office of third lieutenant in each and every company of artillery in this state.

Sec. 3. *And be it further enacted by the authority aforesaid*, That so much of the militia law as requires the encampment of artillery and cavalry officers, be and the same is hereby repealed*

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

An Act authorizing another regiment of militia to be raised and organized in the district of Pendleton, and for other purposes. Passed 20th Dec. 1820.

Whereas the persons subject to militia duty in the district of Pendleton, suffer many inconveniences, in consequence of the extensive bounds of the regiments in the said district, which have been greatly enlarged by the late acquisition of territory from the Cherokee Indians:

Three regiments in Pendleton to be divided into four

Sec. 1. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*; That the three regiments of militia, in the district of Pendleton, be and the same are hereby required to be so divided as to form four regiments, as equal in strength as practicable; each regiment to consist of at least eight companies.

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* Brigade encampments re-established by A. A. 19th Dec. 1833, sec. 27.

Commissioners to divide regiments.

Sec. 2. *And be it further enacted by the authority aforesaid* That the following persons be, and they are hereby appointed commissioners to divide the said regiments, and to make another regiment as directed by this act, viz. Alexander Moorhead, Peter Keys, Patrick Norris, John C. Kilpatrick, Robert Stribling, Thomas Stribling, George Rankin, John Easly and Andrew Hambleton.

Brigadier to fill vacancies.

Sec. 3. *And be it further enacted by the authority aforesaid,* That if the said commissioners shall refuse or neglect to act so as to carry this act into effect, then it shall be the duty of the brigadier-general commanding said regiments, to appoint three suitable and proper persons from each of the present regiments, to lay out and designate the bounds and limits of the said new regiment, and also, to make alterations in the lines of the present existing regiments: *Provided*, they do not alter the lines of beat companies, or divide any established beat company.

To make report.

Sec. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, so soon as they have made a division and formed said regiment, to report the same to the brigadier-general commanding said regiment, and to the several colonels commanding the same; which said report shall designate the companies composing the said several regiments. And it shall be the duty of the said brigadier-general, immediately after the receipt of the said report, to order elections for such field officers as it shall be necessary to create in consequence of raising the said new regiment; and when the present field officers fall into the said new regiment, they shall have command in the same.

Number and rank of regiment.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the said new regiment shall be ranked, the forty-second regiment of the South-Carolina militia, and be attached to the first brigade of the first division of the same.

In the Senate House, the twentieth day of December, in the year of our Lord, one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*
PATRICK NOBLE, *Speaker of the House of Representatives.*

Passed 20th Dec. 1821.

An Act authorizing another Regiment of Militia to be raised and organized in the district of Barnwell, and for other purposes.

Whereas the persons subject to militia duty in the district of Barnwell, suffer many inconveniences in consequence of the extensive bounds of the regiment in said district:

Two regiments.

Sec. 1. *Be it therefore enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That the regiment

of militia in the district of Barnwell, be and the same is hereby required to be so divided as to form two regiments, as equal in strength as practicable; each regiment to consist of at least seven companies.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the following persons be and they are hereby appointed commissioners, to divide the said regiment and to make another regiment as directed by this act, viz.: William Walker, William M'Million, William Rush, Barnet H. Brown, and James W. Maxwell. Commissioners to divide regiment.

Sec. 3. *And be it further enacted by the authority aforesaid*, That if the said commissioners shall refuse or neglect to act so as to carry this act into effect, then it shall be the duty of the brigadier-general, commanding said regiment, to appoint three suitable and proper persons from said regiment, to lay out and designate the bounds and limits of said new regiment. Brigadier to fill vacancies.

Sec. 4. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners, so soon as they have made a division and formed said regiment, to report the same to the brigadier-general commanding said regiment, and to the several colonels commanding the same; which said report shall designate the companies composing the said two regiments: And it shall be the duty of the said brigadier-general, immediately after the receipt of the said report, to order elections for such field officers, as it shall be necessary to create in consequence of raising the said new regiment; and where the present field officers fall into the said new regiment, they shall command in the same. To make report to Brigadier and Colonel.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the said new regiment shall be ranked, forty-third regiment of the South-Carolina militia, and be attached to the third brigade of the second division of the same. Number and rank of regiment.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

An Act to establish a competent force to act as a Municipal guard for the protection of the City of Charleston and its vicinity. Passed 21st Dec. 1822.

Sec. 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That it shall and may be lawful for the board hereinafter named, to engage a number of men, not exceeding one hundred and fifty, to be embodied as a municipal

guard,* whose duty it shall be to guard and protect the district between the lines on Charleston Neck, and to the junction of the Meeting and King-street roads, denominated the cross roads, if necessary, and the southern extremity of the city, between Ashly and Cooper rivers, by patrols and sentinels, at all times of day and night as necessity may require, and shall furnish any number of men which the police of Charleston, or the Magistrates on Charleston Neck may require, for the preservation of peace and the public security, in the same manner as the city guard of Charleston are used to do, and shall carry into effect the laws of the state and the city ordinances, for the government of negroes and free persons of colour; but the members of said corps shall have no military power over the white inhabitants of the state.

Guard to be embodied.

Sec. 2. *And be it further enacted*, That the land and buildings now used as a tobacco inspection, be and the same are hereby vested in the board hereinafter constituted, and their successors forever, for the purpose of being fortified as an arsenal and guard house for the use of the municipal guard hereby constituted: *Provided* nothing in this clause shall prevent the right of the state to said lot, in the event of the same being applied to any other use, than such as is expressed in this act.

Tobacco inspection to be used as a guard house.

Sec. 3. *And be it further enacted*, That the land on which the lines on Charleston Neck are located, shall be, and the same are hereby vested in the board herein constituted, and their successors in office, who shall sell the same in the most advantageous manner, and apply the proceeds to the erection of the suitable buildings on the site of the tobacco inspection for an arsenal, for the deposite of the arms of the state, and a guard house, and for the use of said municipal guard.

Land at the lines to be vested in the board

Sec. 4. *Be it further enacted*, That the municipal guard aforesaid, may be enlisted for any term not exceeding five years, and shall be governed by the rules and articles of the United States' army, except that no punishment shall extend to life or limb; and if in the opinion of the attorney-general it shall be necessary, the assent of Congress shall be requested to the provisions of this act.

Guard to be enlisted for five years.

Sec. 5. *Be it further enacted*, That for the purpose of defraying the expenses of said guard, a tax of ten dollars shall be, and the same is hereby imposed on all houses within the limits so

* By A. A. 20th Dec. 1832. sec 1. the governor is authorized to increase the number of the magazine guard, near Charleston, including officers, artificers. &c. to sixty men. who are, in addition to the duties required of them, to take charge of the Citadel, for its protection. under such regulations as he may prescribe, By sec. 2, the guard is exclusively under the orders of the governor, who is empowered to appoint and remove them By sec. 3, the guard is liable to perform all the duties to which the militia, or volunteers of the State, are liable, when called upon duty. subject to the same fines and regulations as are prescribed for the militia, under the same circumstances. By sec. 4, the captain of this guard is also powder receiver, and has charge of the magazines near Charleston. This guard has also a 1st and 2d lieutenant. The pay to be fixed by the governor, but not to be greater than is allowed in the United States Army.

guarded, inhabited by negroes or persons of colour as tenants or owners; also a tax of ten dollars each, upon all free male negroes or persons of colour, who exercise any mechanic trade within the above limits, who shall receive a license, which shall endure until the first day of January next succeeding its date, from the tax-collector of St. Philip's and St. Michael's, and shall then pay said tax. And any such person who shall exercise his trade without complying with this law, shall forfeit one hundred dollars, half to the informer, and the rest for the support of the guard, to be recovered in any court having jurisdiction by action of debt; also a tax not exceeding twenty-five per cent. upon the general tax, upon all property within the limits aforesaid, to be assessed by the board herein constituted; all which taxes shall be collected by the tax-collector of St. Philip's and St. Michael's, in the same manner as other taxes are, and shall be paid to the board herein constituted, for the purpose of defraying the expenses of said guard; and every person liable to any of the above taxes, shall, when he makes his return, swear that the same contains a full and true account of all property held in his own right, or otherwise, subject to the above taxes, and the assessor shall make diligent inquiry of all houses liable to said tax.

Tax imposed on houses and negroes.

Sec. 6. *Be it further enacted*, That the brigadier-general of the fourth brigade, and the field officers thereof, the intendant and wardens of the city of Charleston, and the commissioners of cross roads on Charleston Neck, and their successors, shall constitute a board for the purpose of carrying this act into full effect, appointing and displacing the officers of the guard, and generally performing all acts necessary and proper to effectuate the intention of this act, and make and establish all rules and orders relative to said guard, not inconsistent with the laws of the land.*

A board constituted to carry this act into effect.

Sec. 7. *Be it further enacted*, That when in the opinion of the said board, the said guard is sufficiently organized to secure Charleston and the Neck, the present city guard shall be abolished, and the inhabitants within said district shall not be liable to patrol duty; but any military force necessary, shall be ordered on duty by the proper officer of the militia.

City guard to be abolished.

Sec. 8. *And be it further enacted by the authority aforesaid*, That no private or non-commissioned officer in this corps shall enlist in said corps, but under the express understanding and rule

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* This board refused or neglected to act, and the legislature, by A. A. 20th Dec. 1823, sec. 41, incorporated the City Council of Charleston, and the Commissioners of the cross roads on Charleston neck, for the purpose of carrying this act into effect.

The constitutional court, in 1827, granted a prohibition against the tax-collector of the parishes of St. Philip and St. Michael, in behalf of Thomas Lehre and William Rouse. which was filed in 1824, restraining him from collecting the tax set forth in the fifth section of this act, on the ground, that as the commissioners had refused to act when the tax was imposed, no board was in existence to receive the taxes, therefore the collector could not proceed to the collection of them. The tax was subsequently refunded to all who had paid them.—See record of this case, in the office of the Clerk of the Court of Appeals, in Charleston—also A. A. 30th January, 1828, sec. 3.

Said guard, how to be enisted, and not to vote at elections.

of said corps; that no such private or non-commissioned officer of said corps, shall vote at any general or city election; and such as do violate this rule, shall be immediately dismissed from said corps, and not be entitled to such pay and rations as may be due them at the time of their dismissal.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

An Act to exempt the militia within the town of Camden, from the performance of militia duty oftener than once in two months.

Passed 21st Dec. 1822.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That from and after the passing of this act, all persons liable to perform militia duty in the town of Camden, be and they are hereby exempted from turning out on company parades, oftener than once in two months.*

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

An Act to consolidate and equalize certain militia companies, to authorize the sale of small arms, and the inspection of muskets made by Adam Carruth, preparatory to their being purchased by the state.

Passed 21st Dec. 1822.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That from and after the passing of this act, there shall be but one beat company in each of the parishes of Christ Church and St. James, Santee, and the two companies in each of the said parishes shall be consolidated into one.

One beat company in Christ Church and St. James's.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the persons residing in the parish of St. James, Santee, entitled to vote for company officers, shall meet at the head of Wigfal's, (now Cordes' causeway) on the third Monday in January next, for the purpose of electing officers for the company within said parish, which place is hereby declared to be the muster ground of the said company.

Who are entitled to vote.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the eleven mile post on the stage road from Charleston to

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*Altered to six times in a year, by A. A. 19th Dec. 1833, sec. 19.

Georgetown, shall be the place of meeting of the company within the parish of Christ Church; and an election shall be held at the said place on the third Monday of January next, for the election of officers for the said company. Place of company meeting.

Sec. 4. *And be it further enacted by the authority aforesaid*, That Thomas Gaillard, Thomas Porcher, jun. Peter Broughton, Philip Porcher, and Samuel Porcher, or any three of them, shall be, and they are hereby appointed commissioners to alter the dividing line between the upper and lower beat companies in the parish of St. John's, Berkley, for the purpose of making said beat companies equal; and the said commissioners, or any three of them, after altering the said line, shall make a report of their proceedings in the premises, to the colonel or other officer commanding the regiment in which the said companies are situated.* Commissioners to alter dividing line.

Sec. 5. *And be it further enacted by the authority aforesaid*, That as soon as practicable, after the passing of this act, it shall be the duty of the colonels or other commanding officers of the 16th and 17th regiments, in the fourth brigade of South-Carolina militia, to divide the company of militia on Charleston Neck into four companies, as nearly equal in number as may be, two of which companies shall be attached to the 16th, and the other two to the 17th regiment.† Company on Charleston Neck to be divided.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the governor and commander-in-chief do cause an inspection to be made of the muskets manufactured by Adam Carruth, under a contract with the general government, and now the property of William Young, Barkesdale Garrison, John Charles and Robert Anderson; and if, on inspection, the said muskets are approved, he is hereby authorized to receive in payment of the debt due by the said William Young, Barkesdale Garrison, John Charles and Robert Anderson, as securities of the said Carruth, any number of the said muskets, not exceeding one thousand, at such price as was contracted to be paid for muskets to the said Carruth, by the government of the United States.‡ Governor to receive Carruth's muskets in payment.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the governor and commander-in-chief be, and he is hereby authorized and empowered, to cause to be sold to any of the militia of this state, any of the arms belonging to the state, in any of the public arsenals, at such price as the said arms may have cost the state; and the governor is hereby authorized to lay out the money received from the sale of any arms as aforesaid, in the purchase of other arms. Authorized to sell arms belonging to the State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND TON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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* Beat companies throughout the State reorganized, by A. A. Dec. 1804.
† Altered by A. A. 17th Dec. 1824, sec. 4.
‡ Repealed by A. A. Dec. 1824, sec. 6.

An Act to regulate the performance of patrol duty on Charleston Neck.

Passed 20th Dec. 1823.

Whereas, the local situation of Charleston Neck, from the bounds of the city of Charleston, to the northern boundary of St. Philip's parish, renders the present existing patrol laws insufficient to protect the property of the inhabitants of said neck, and to control and keep in order the numerous black population of the same, and others travelling to and from the city within the aforesaid limits:

Patrols to be formed on Charleston Neck.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That it shall be the duty of the officer or officers commanding the militia company or companies on Charleston Neck, within two months after the passing of this act, to cause his or their company or companies to be divided into convenient patrols, in such manner as a majority of said company officers shall direct, which division, when made, shall be permanent until altered by a majority of said officers: And in case the officers of such company or companies shall neglect or refuse to perform the duty herein before required of them, each shall forfeit and pay the sum of thirty dollars, to be recovered in any court having competent jurisdiction, to be paid to the commissioners of the cross roads of Charleston Neck, for the use of the said roads.

A roll to be made out for each patrol district.

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commanding officer or officers of the company or companies aforesaid, to cause to be made out, a roll for each patrol district, which shall include the names of all the free white male inhabitants above the age of eighteen years, and under the age of sixty, residing within the said patrol district, except ministers of the gospel, of any sect or denomination whatsoever: And all females owning ten slaves above the age of ten years; and all persons having settled farms, or a house and lot with five or more slaves above the age of sixteen years, residing within the said company or companies, shall be liable to perform the patrol duty herein after prescribed.

Leaders of patrols to be appointed.

Sec. 3. *And be it enacted by the authority aforesaid*, That it shall be the duty of the commanding officer or officers of the said company or companies, to appoint (which appointment shall be in writing, signed by such commanding officer or officers,) some prudent and discreet person, as leader* in each patrol district, who shall perform the duty hereinafter described, until the expiration of two months from the date of such appointment; and in case the person appointed shall refuse to accept such appointment, or the commanding officer or officers of the said company or companies, or the leader or leaders of patrol, shall fail to per-

* The captain of a beat company cannot contitute himself the captain of patrol.—*State v. Cole, et al*, 2 *M'Cord* 117.

form any of the duties required of them by this act, they shall respectively forfeit and pay the sum of twenty dollars, to be recovered in any court having competent jurisdiction, to be paid to the commissioners of the cross roads of Charleston Neck, for the use of the said roads: *Provided always*, that no person shall be compelled to serve more than once in twelve months as leader of any patrol.

Sec. 4. *And be it enacted by the authority aforesaid*, That it shall be the duty of the leader of each patrol, at least as often as twice a month, to call out any number of persons under his command, and to ride patrol through Charleston Neck, and to take up all slaves who may be found within its limits, and without their owner's enclosures, under suspicious circumstances, or at a suspicious distance therefrom, and to correct all such slaves by a moderate whipping with a whip or cowskin, not exceeding twenty lashes, unless the said slaves shall have a ticket or letter to show the reasonableness of his or her absence: And if any white man shall wantonly beat or abuse any slave, quietly and peaceably being in his or her owner's enclosure, or found any where without the same, with a lawful ticket, he shall forfeit the sum of fifty dollars, to be recovered by the owner of said slave, and to his use, by action of debt, besides being liable to the owner in an action of tresspass for damages.

Patrol duty to be performed twice a month.

Sec. 5. *And be it enacted by the authority aforesaid*, That the said patrols shall have power, within the limits of Charleston Neck, and they are hereby authorized and required to enter into any disorderly house, or into any vessel or boat, suspected of harboring, or unlawfully trafficking or dealing with slaves, and if resisted, to break open doors, windows or locks, and to apprehend and correct or commit all slaves found there contrary to the true intent and meaning of this act: And the leaders of said patrols are further authorized and required to give information of such white persons, or persons of colour as may be found in such house, vessel, boat or place, unlawfully trading and trafficking with slaves, to any lawful magistrate, and to deliver to the said magistrate such produce or articles for trafficking as may be found in such house, vessel, boat or place, to be disposed of according to law.

Powers and duties of the patrols.

Sec. 6. *And be it enacted by the authority aforesaid*, That the leader of every patrol shall have power to keep the men under his command, in good order and demeanor during their term of service; and in case any patrol-man shall misbehave himself or neglect or disobey the orders of his commander, he shall be subject to arrest, at the discretion of the said leader, and be liable to a fine of not more than two dollars, to be imposed by a court consisting of the officers* of the company to which he belongs, to

Penalty on patrol men who misbehave.

* By A. A. 19th Dec. 1833, sec. 30, the court-martial must consist of a least three commissioned officers, appointed by the colonel of the regiment

be paid to the commissioners of the cross roads of Charleston Neck for the use of the said roads.

Penalty on leaders of patrols for disorderly conduct.

Sec. 7. *And be it further enacted by the authority aforesaid*, That if any leader of patrol shall act disorderly while on duty, so as to defeat the orderly performance or execution of the patrol law agreeable to the true intent and meaning of this act, he shall be liable to be reported by any of the members of his patrol, or other person competent to give evidence, to the commanding officer of the company to which he is attached, who shall order a court,* consisting of the officers of said company, or any three officers of the regiment to which such company is attached, to try him, and upon sufficient evidence being given of the charge, such leader of the patrol shall be fined in the sum of ten dollars, to be paid to the commissioners of the cross roads of Charleston Neck for the use of the said roads.

Fine for not performing patrol duty.

Sec. 8. *And be it further enacted by the authority aforesaid*, That it shall be lawful for any person or persons hereby declared liable to perform patrol duty, to send any able bodied white man, between the age of eighteen and sixty, to perform patrol duty for him or them; and if any patrol man shall neglect or refuse to perform the duty required of him by this act, or procure a substitute to perform the same, without a legal excuse, he shall forfeit and pay a fine of two dollars for each and every default, and ten per cent. on his general tax for the year preceding, on property owned by him on Charleston Neck, to be inflicted by a court, composed of the officers of the company to which he is attached,† a majority of whom shall be sufficient to form such court, or any three officers of the regiment to which the said company is attached; and to be collected by the collector of the regiment,‡ who shall have as full power and authority to collect the same, as he now has, or may hereafter have to collect militia fines, under any law which now is or may hereafter be of force in this state, to be paid to the commissioners of the cross roads of Charleston Neck, for the use of the said roads.

Returns to be made.

Sec. 9. *And be it further enacted by the authority aforesaid*, That it shall be the duty of each leader of patrol, to make a return upon oath of the performance of the duties of his office, to the commanding officer of the company to which he belongs, once in every two months, under the penalty of a fine not exceeding twenty dollars, to be paid to the commissioners of the cross roads of Charleston Neck, for the use of the said roads.

Sec. 10. *And be it enacted by the authority aforesaid*, That all persons of colour (Indians in amity with the United

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* By A. A. 19th Dec. 1833, sec. 30, the court-martial must consist of at least three commissioned officers, appointed by the colonel of the regiment.

† Altered by A. A. 19th Dec. 1833, sec. 30. See preceding note.

‡ The act of 20th Dec. 1832, gave the appointment of collector of patrol fines on Charleston Neck, to the commissioners of cross roads—since then the act of 19th Dec. 1833, sec. 32, makes the sheriff collector of all military and *patrol fines*.

States excepted) negroes, mulattoes or mustizoes, found within the limits of Charleston Neck, shall be taken and considered as slaves, and shall be liable to such correction or other punishment to which, by this act, slaves are liable; unless such persons of colour shall produce their free papers, or office copies of the same, or such other good and sufficient evidence of their freedom as may be satisfactory to the leader of the patrol: *Provided nevertheless*, that free negroes, mulattoes or mustizoes, found within Charleston Neck, and without their own or their employer's enclosure, not having a regular ticket from their guardian, after the hours of nine o'clock, P. M. from the twentieth of September to the twentieth of March, and ten o'clock, P. M. from the twentieth of March to the twentieth of September, in each and every year, shall be liable to the same punishment to which, by this act, slaves are liable.

Negroes, &c. liable to be taken up and corrected.

Sec. 11. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for any owner or occupant of a grocery store or retail shop, within the limits of Charleston Neck, or of any store, shop or place within the limits aforesaid, wherein are vended spirituous liquors, to keep open the said stores, shops or places for the purposes of trade or to trade, traffick or barter therein with negroes or persons of colour, on the sabbath day, or on any other day after the hours of nine o'clock, P. M. from the twentieth of September to the twentieth of March, and ten o'clock P. M. from the twentieth of March to the twentieth of September, in each and every year: And in case any owner or occupant of any such store, shop or place, shall transgress or violate this act, by keeping open the said stores, shops or places, or by trading, trafficking, or bartering therein with any negroes, or persons of colour, on the sabbath day, or on any other day after the hours of nine o'clock, P. M. from the twentieth of September to the twentieth of March, and ten o'clock, P. M. from the twentieth of March to the twentieth of September, in each and every year, he, she or they shall forfeit and pay the sum of fifty dollars, to be recovered in any court having competent jurisdiction, to be paid to the commissioners of the cross roads of Charleston Neck, for the use of the said roads.

No shop to be kept open after nine o'clock.

Sec. 12. *And be it further enacted by the authority aforesaid*, That every person liable to perform patrol duty on Charleston Neck, shall provide for himself, and keep always in readiness, and carry with him on his patrol service, one good gun or pistol in order, with at least six ball cartridges for the same, or a cutlass, under the penalty of two dollars, and ten per cent. on his general tax for the year preceding, on property owned by him on Charleston Neck, for want of any such arms or ammunition, to be recovered and appropriated in the same manner as by this act fines for non-performance of patrol duty are recovered and appropriated.

Patrol to be provided with arms.

Sec. 13. *And be it further enacted by the authority aforesaid*, That the commissioners of the cross roads of Charleston Neck,

Fines to be paid to the commissioners of the cross roads.

shall have power to demand and receive all such fines and forfeitures, and other monies and things whatsoever, as are appropriated by this act, to the use of the said cross roads; and in case of refusal to deliver or pay the same, to commence and prosecute any lawful action for the recovery thereof.

Record of proceedings to be kept.

Sec. 14. *And be it further enacted by the authority aforesaid*, That the commanding officer of the militia company or companies of Charleston Neck, shall have power to appoint a secretary, whose duty it shall be to prepare and lay before the court or courts hereby established, all necessary papers, and to keep a record of the proceedings of the same; which record shall be open to the inspection of any citizen interested therein; for which services the said secretary shall be excused from the ordinary patrol duty.

Patrol to be summoned.

Sec. 15. *And be it further enacted by the authority aforesaid*, That the leader of each patrol district shall have power to appoint a person, whose duty it shall be to summon out the patrol at the times and places appointed by the leader, and to extend such orders and commands as may be given to him by the said leader of patrol: for which services the said person shall be excused from ordinary patrol duty.

Information of unlawful assemblies to be given to the commanding officer.

Sec. 16. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commanding officer of each militia company on Charleston Neck, and of all lawful magistrates within the limits of Charleston Neck, to give information to the respective leaders of patrol, of any unlawful assemblies of negroes or persons of colour, which may come within their knowledge; which leaders, on receiving such information, shall turn out their patrols and perform the duties prescribed by law: And in case any leader of patrol shall neglect or refuse to turn out his patrol and perform the duties required by law, after receiving such information, he shall forfeit and pay a sum not exceeding twenty dollars, to be paid to the commissioners of the cross roads of Charleston Neck, for the use of the said roads.

Persons suing a patrol, and failing to recover, liable to pay treble costs

Sec. 17. *And be it further enacted by the authority aforesaid*, That if any person or persons shall commence an action against any patrol or patrol-man, for any trespass committed in carrying into execution the provisions of this act, and at the trial thereof, shall fail to recover any damages, he, she or they shall be liable and adjudged to pay the party so sued, treble costs.

Repealing clause.

Sec. 18. *And be it enacted by the authority aforesaid*, That all acts and parts of acts repugnant to this act, be, and the same are hereby repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

An Act to require the officers of each brigade of militia, to assemble in brigade encampments, and for other purposes.

Passed 20 Dec. 1823

Sec. 1. *Be it enacted by honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same,* That from and after the passing of this act, it shall be the duty of all the commissioned officers of the several different brigades throughout this state, under the rank of brigadier, to assemble in some central and proper place within their respective brigades, in full uniform, and equipt with a musket, bayonet, cartouch-box, and twenty-four cartridges, at least once in two years, and there be kept on duty, and in the practice of the manual exercise, for a time not exceeding six days, nor less than three days, as the major-general of each division may think fit and proper: And it shall be the duty of the several brigadier-generals to attend the said officers so assembled within their respective brigades, and to lead, train, discipline and manœuvre the said officers, according to the system of Scott, or any other system which may be adopted by Congress: And it shall be the duty of the adjutant-general and brigade-majors, within their respective brigades, to attend such musters, and be subject to orders as on reviews; and it shall also be the duty of the major-generals, within their respective divisions, to attend at the said musters; which said musters of the officers as aforesaid shall be ordered by the governor and commander-in-chief, and at such times as he shall deem fit and proper for the purposes intended by this act. And in case any of the officers required by this act to attend the musters aforesaid, shall fail or neglect so to attend, the said officers respectively, so failing or neglecting, shall be subject to the fines and forfeitures following, that is to say: A major-general shall be fined in the sum of sixty dollars; a brigadier-general in the sum of fifty dollars; a colonel in the sum of forty dollars; a major in the sum of thirty dollars; a captain, lieutenant or ensign, in the sum of twenty dollars; and that such defaulter or defaulters shall be tried in the same manner as is now directed by the militia laws of this state, and the fines applied to the use of the brigade in which such fines and forfeitures have accrued.*

Sec. 2. *Be it further enacted,* That if any beat company of militia shall neglect or refuse for three months to elect officers† to command said body, it shall be the duty of the colonel, lieutenant-colonel, or major commanding the regiment or battalion to which the said company may belong, to divide the said company, and attach it to the nearest beat companies thereto, until the said

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* Altered by A. A. 19th Dec. 1833, sec. 27 and 45.

† See A. A. 19th Dec. 1833, sec. 9, where a beat company neglects to elect an officer to fill any vacancy for the space of two months, or where the person elected shall refuse to accept, within thirty days after his election.

company shall elect officers to command the same; and those composing such company are hereby required to do duty in the beat company to which they shall be attached.

Sec. 3. *And be it enacted*, That the officers commanding the 2nd company of the 2nd battalion of the 19th regiment of South-Carolina militia, shall hereafter hold their company musters at Brown's tavern, in St. John's parish, Berkley.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

An Act to repeal the first section of an Act, entitled, "An act to require the officers of each brigade of militia, to assemble in brigade encampments, and for other purposes," passed the twentieth day of December, eighteen hundred and twenty-three, and for other purposes.

Passed 17th Dec. 1824.

Whereas, by the first section of an act of Assembly, passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, all the commissioned officers in each brigade of militia, in this State, were required to meet and assemble at some central and proper place, within their respective brigades, in full uniform, and equipt as therein described, at least once in two years, and there to be kept in the practice of military exercises for a time therein specified. And whereas the said law has not only effected no beneficial purpose, but is inconvenient, oppressive, and burthensome to the officers of the militia of this State:—

Sec. 1. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That the first section of an act, entitled, "An act to require the officers of each brigade of militia, to assemble in brigade encampments, and for other purposes," be, and the same is hereby repealed.*

Sec. 2. *And be it further enacted by the authority aforesaid*, That the Beaufort Volunteer company of Artillery, be, and the same are hereby exempted from attending any regimental reviews: *Provided*, the said company, in addition to the days and times now required by law, do, on the days and times when the regiment to which the said company is now attached shall parade for review and exercise, also assemble at the usual muster-ground of said company, for drill, exercise and instruction: *And provided also*, that the members of said company shall at no time exceed sixty-four men, rank and file.

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* Brigade encampments re-established by A. A. 19th Dec. 1833, sec. 27.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the fifth section of an act passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, entitled, "An act to consolidate and equalize certain beat companies, to authorize the sale of small arms, and the inspection of muskets made by Adam Carruth, preparatory to their being purchased," be, and the same is hereby repealed.

Sec. 4. *And be it further enacted by the authority aforesaid*, That all that part of the Charleston Neck company, which lies on the east side of King-street, up to the Cross Roads, and thence on the east side of the main road, to the Quarter-house, be, and constitute one company; and that part of said company, which lies on the west side of said line, be, and constitute another company; both of which companies shall continue attached to the 16th regiment.

Sec. 5. *Be it further enacted by the authority aforesaid*, That the commissioned officers of the Charleston Neck company, may select in which of the companies hereby created, they will hold their commission; and they shall respectively hold, and be confirmed in the rank and commission which they now hold: And it shall be the duty of the colonel, or commanding officer of the 16th regiment, as soon hereafter as may be practicable, to order an election for officers in the other company.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America,

JACOB BOND I'ON, *President of the Senate.*
JOHN B. O'NEALL, *Speaker of the House of Representatives.*

An Act to alter and define the line between the 34th and 35th Regiments of the South-Carolina militia, and for other purposes.

Passed Nov. 18

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That the following shall hereafter be the boundary between the 34th and 35th regiments of the South-Carolina militia, that is to say: the line shall commence on Pacolet river, opposite Sandy Run, thence down said river to Thomas Taylor's, thence to William Huckeby's, son of Robert Huckeby, thence down the old regimental line to Broad river, near the mouth of Thickety creek, thence up said Thickety creek, to John Jeffers' ford on the said Thickety creek, thence along the main road by Hancocksville to the Grindal Shoals, on Packolet river, and that the persons liable to perform militia duty, residing within the aforesaid limits, be formed into a beat company, be, and the same is hereby attached to the 35th regiment.

Sec. 2. *And be it further enacted*, That the lower battalion of the seventh, or Glascock's regiment, shall be divided into five beat companies, instead of four as heretofore; and that Col. Thomas Glascock, Lt. Col. John Marsh and Major Andrew P. Jones, are hereby appointed commissioners to make such division. The said commissioners to report to the brigadier-general the division so made, and on his approval of the same, the proper officer shall forthwith order an election of officers for the additional beat company hereby authorized to be laid off: *Provided*, that no officer in command shall thereby have his commission vacated.*

In the Senate House, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*
JOHN B. O'NEALL, *Speaker of the House of Representatives.*

An Act to enlarge the recruiting limits of the Winnsboro' Light Infantry Volunteer Company.

Passed 19th Dec. 1827.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That hereafter it shall and may be lawful for any person residing within Fairfield district, and liable to do militia duty, to join and become a member of the Winnsboro' Light Infantry Volunteer company, in the same manner as such person would be entitled to do, were he a resident of that regiment to which said company is attached.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*
JOHN B. O'NEALL, *Speaker of the House of Representatives.*

An Act to regulate the election of cavalry and artillery officers throughout this State.

Passed 20th Dec. 1828.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That whenever any vacancy shall take place in the commission of lieutenant-colonel of cavalry or

* All the beat companies in this State reorganized, by A. A. 19th Dec 1833, sec. 4 and 5.

artillery, the major then in commission in the same regiment, shall be immediately commissioned lieutenant-colonel.*

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

An Act to regulate the collection of military fines, and for other purposes.†

Passed Dec. 1

Sec. 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That all fines hereafter imposed on any commissioned officer, for neglect of military duty, in any battalion, regiment or brigade, shall be collected by the sheriff of the judicial district in which such delinquent may reside; and for the performance of this duty, the sheriff shall receive twenty-five per cent. on all monies so collected, except in the parishes of St. Philip and St. Michael, where fines shall be collected as heretofore; the collector of fines in which place, shall be entitled to the like compensation as is herein provided for the sheriff.

Fines t collecte the she

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the officer ordering any courts martial, to furnish the sheriff, within fifteen days after any fine has been imposed on any commisioned officer, with executions against such delinquents; and the said sheriff, within thirty days after receiving such executions, shall notify each delinquent of the amount of his fine, and to require payment thereof. And if the said delinquent shall neglect or refuse to pay the same within fifteen days after such notification, the said sheriff shall proceed on this execution, and shall arrest the body of the said delinquent, for the satisfaction of the said fine, unless the said delinquent shall point out sufficient property, whereof to levy and satisfy such fine so imposed as aforesaid.

Sheriff furnish executi

Sec. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the several tax-collectors in this state, at the request of any militia officer, to furnish such officer with the amount of the last general tax of any defaulter liable to be fined as aforesaid; but nothing in this act shall be construed to deny the right of appeal to any officer who may conceive himself aggrieved by the sentence of any court-martial.

Amoun to be fu by tax-c tors.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the sheriff, with whom any such execution shall be lodged,

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* This law was passed to put these corps on an equal footing with the Infantry.

† This act has been very materially altered by A. A. 19th Dec. 1833.

Sheriff to return executions

shall be bound to execute and return the same to the paymaster of the regiment, within three months from the time of the lodgment thereof; and on default, he shall pay the sum of fifty dollars, to be recovered by summary process, in the name of the State of South-Carolina; one half of which shall be paid to the informer, and the other half to the use of the regiment.

Money to be paid over in ten days.

Sec. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the sheriff, within ten days after demand, to pay over all monies collected by him, pursuant to this act; and in default thereof, an action may be brought against him in the name of the regimental paymaster; and the amount collected, recorded against him, with interest at the rate of six per cent. for each month, from the time of demand.

Disorderly conduct of guard to be punished.

Sec. 6. *And be it further enacted*, That if any member of the Magazine Guard, at Laurel Island, on Charleston Neck, or of the guard to be hereafter, or at this session established at Georgetown, shall be hereafter intoxicated, or disorderly, or disobedient to lawful orders, he may be arrested, and confined by order of the commanding officer of said guard.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

An Act for the better organizing the Fire Guard of the city of Charleston.

Passed 18th Dec. 1829.

Sec. 1. *Be it enacted by the Senate and House of Representatives*, That from and after the passing of this act, the brigadier-general of the fourth brigade, or in his absence from the parishes of St. Philip and St. Michael, the senior officer of the militia of said parishes, in order to prevent the confusion which may arise from the too many men being under arms, when fires shall break out in the city of Charleston, be, and he is hereby authorized, to fix the number of men necessary to be under arms in such cases, and to make regulations by which a certain portion only, of the militia of Charleston, shall be required, for the period of three months, to hold themselves in readiness to parade in cases of alarm from fire; and the said portion of militia shall be commanded by a field officer, detailed according to the roster of officers of the said parishes of St. Philip and St. Michael, except the officers in command of regiments; and if any officer, non-commissioned officer or private so ordered, shall fail to attend at his muster ground, in cases of alarm from fire, he shall be subject to the same fines as are imposed by law for non-attendance at regimental musters.

Fire guard to be arranged.

Sec. 2. *And be it further enacted*, That the brigadier-general of the fourth brigade, or in his absence from the parishes of St. Philip and St. Michael, the senior officer of the militia of the said parishes, shall have full power and authority to order to mount guard, and for relief of the same, the portion of the militia composing the aforesaid fire guard; and if any officer, non-commissioned officer or private, shall fail to attend parade, at the time and place so ordered, he shall be subject to the same fines as are imposed by law for non-attendance at regimental musters. Fine for turning ou

Sec. 3. *And be it further enacted*, That courts martial be ordered and held on all officers, non-commissioned officers and privates composing the aforesaid fire guard, who shall fail to attend in cases of alarm from fire, and when ordered to mount guard and for relief as aforesaid, in the same manner as courts martial are ordered and held by law for non-attendance at regimental musters; and the fines which shall be imposed for non-attendance, when ordered to mount guard and for relief of said fire guard, shall be collected by the collectors of fines of the regiments to which the companies composing the said fire guard shall respectively be attached, and are hereby appropriated to the use of the said companies respectively, who shall furnish their own music; and the fines which shall be imposed in cases of alarm from fire, shall be collected as aforesaid, and are hereby appropriated to the use of the regiments to which the said companies shall be respectively attached. Courts m to be held

Sec. 4. *And be it further enacted*, That the commanding officer of the fire guard shall, at the expiration of his term of service, report all defaulters, and generally, all the transactions of his guard, to the brigadier-general of the fourth brigade, or in his absence from the parishes of St. Philip and St. Michael, to the senior officer of the militia of the said parishes; and the said brigadier-general of the fourth brigade, or in his absence as aforesaid, the aforesaid officer shall have full power and authority to order courts martial on all commissioned officers, non-commissioned officers and privates of the said guard, for military offences, who shall be subject to the same penalties as are imposed by law for similar offences, in the performance of ordinary militia duty.* Defaulter be reporte

Sec. 5. *And be it further enacted*, That the officer commanding the said fire guard, may, at his discretion, exercise the said guard, at the time of mounting guard and relief thereof. Guard to exercised.

Sec. 6. *And be it further enacted*, That the parades of companies for mounting and relieving guard shall be in lieu of two of the company parades now required by law. Parades t in lieu of now requi

Sec. 7. *And be it further enacted*, That in case of the death, absence, or removal, of the officer commanding the fire guard, the

* See A. A. Dec. 1834. sec. 21, where the courts martial in these cases are required to be held in the manner prescribed by 30th sec. A A. 19th Dec. 1833.

How to proceed in case of the absence of commanding officer.

senior captain thereof shall discharge all the duties which may have been required of his superior, and also, all the duties incident to the command of the said fire guard; and it shall be the duty of the officer commanding the same, to give due notice of his intended absence to the officer next in command

Guard not exempted from militia duty.

Sec. 8. *And be it further enacted*, That nothing herein contained shall be construed so as to exempt that portion of the militia of Charleston, which shall compose the aforesaid fire guard, from the performance of ordinary militia duty.

Repealing clause.

Sec. 9. *And be it further enacted*, That all acts and parts of acts repugnant to this act be, and the same are hereby repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

An Act to provide for the division of beat company number seven, of the fifteenth regiment of South-Carolina militia.*

Passed 18th Dec. 1829.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives*, That beat company number seven, of the fifteenth regiment of South-Carolina militia, now commanded by captain Jacob Kitching, shall, as soon hereafter as practicable, be divided into two companies; and that Richard Jones, Esq. John Horsey, Jacob Kitching, John Quattlebaum and George Sawyer, be appointed commissioners to divide the same.

Sec. 2. The said commissioners, or a majority of them, shall, as soon as may be practicable, meet and make such division, and shall return, in writing, to the colonel of the regiment, a report of such division, and the limits appointed to each beat company; and the colonel shall cause the same to be entered in the books of the regiment.

Sec. 3. The officers now holding commissions in said beat company, shall be entitled to hold the same in the company within the limits of which they may respectively fall.

Sec. 4. The colonel shall, as soon as the said limits are fixed, order elections to fill up the vacancies that may exist in said companies respectively.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

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* The beat companies throughout this State reorganized, by A. A. 19th *Dec.* 1833, sec. 4 and 5.

An Act to consolidate the two beat companies of Georgetown.*

Passed 18th Dec. 1829.

Sec. 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and after the passing of this act, the two beat companies of the lower battalion, thirty-first regiment, heretofore known as the upper and lower beats, of Georgetown, be, and the same are hereby consolidated, so as to constitute hereafter but one beat, instead of two.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the officer now in command of the said lower battalion, thirty-first regiment, be, and he is hereby authorized and directed to carry into effect the provisions of this act, and forthwith to order the necessary elections, and cause to be filled the offices of the said beat, whereupon he shall report his proceedings to the colonel of his regiment.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

An Act to authorize the sale of public arms and accoutrements.†

Passed 18th Dec. 1829.

Sec. 1. *Be it enacted by the Senate and House of Representatives*, That any of the keepers of the arsenals of this State, shall sell any of the public arms and military accoutrements stored therein, to any person who shall apply for the same, at cost price: *Provided* such applicant shall produce, at the time he offers to purchase, a certificate from some captain of a company, that he is a member of said company, and needs the arm or accoutrement for which he shall apply, for the performance of his military duty.

Sec. 2. The several arsenal keepers shall pay over to the Treasurer, within whose division he may reside, all such monies as shall come into his hands from the sale of public property, made by him, by virtue of this act, forthwith; and shall make to such Treasurer a regular report of said sales, on or before the first of September, in each year.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

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* The beat companies throughout the State reorganized by A. A. 19th Dec. 1833, sec. 4 and 5.

† Superseded by A. A. 1834, sec. 7.

An Act to change the place of company muster in St. James, Santee.

Passed 18th Dec. 1830.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That from and after the passing of this act, the beat company of militia, in the parish of St. James, Santee, shall cease to be mustered at the head of Wiglall's or Cordes' Causeway, as they heretofore have been; and that the head of Palmer's Causeway shall, and is hereby fixed and established as the muster ground of the said beat company.

In the Senate House, the eighteenth day of December, in the year of our Lord, one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

HENRY DEAS, *President of the Senate.*

HENRY L PINCKNEY, *Speaker of the House of Representatives.*

An Act to establish the dividing line between the 26th and 27th regiments of militia, and to lay off a new beat company at and around Sumterville.

Passed 18th Dec. 1830.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That the boundary line which divides the 26th and 27th regiments of South-Carolina militia from each other, shall be, and the same is hereby altered, defined and established, to run as follows, that is to say: beginning at McClure's old field, on the Saluda road, near the village of Chester, running thence, in a direct line, to the spring, east of the said village, thence along the meanders of the branch from the said spring, until it intersects the Charleston road, and thence along the said road, as heretofore.

Sec. 2. *Be it further enacted by the authority aforesaid*, That a new beat company of militia be formed and established, in and around the village of Sumterville, by uniting portions of the two beat companies, commanded by captain William N. Harvin, and captain James A. Vaughan, in manner and form following, that is to say: captain Harvin's beat shall be divided by a line, beginning at the mouth of Cowpen branch, near Thomas J. Wilder's plantation, thence upward along said branch, to its source, thence directly to the head of Camp branch, thence along the meanders of the same, to its junction with Black river; and that captain James A. Vaughan's beat shall be divided by a line beginning at Mr. Charles Spann's mill, thence along the road to John Knox's, thence along the Stateburg road to Green swamp; and that the contiguous portions of the said beat companies, so abstracted and divided off by the said lines, form, and be constituted a separate beat: *Provided*, That the companies hereby directed to be di-

vided, shall not be reduced by such division, below the number directed by law to constitute a company.

Sec. 3. *And be it further enacted*, That the beat hereby directed to be formed and established, shall be attached to, and form a part of the lower battalion, of the 20th regiment; and that the officer, whose duty it may be, shall immediately issue the necessary orders for the election of company officers in the said new beat.*

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

HENRY DEAS, *President of the Senate.*
HENRY L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to form a squadron of Cavalry in the eighth brigade.

Passed 18th Dec. 1830.

Sec. 1. *Be it enacted by the Senate and House of Representatives*, That the All Saints light dragoons, the Winyaw hussars, and Marion troop, three troops of cavalry belonging to the eighth brigade of the militia of this State, be formed into a squadron, under the command of a field officer, with the rank of major, who shall be elected by the members of the said corps; and that the brigadier-general of the said brigade, be authorized to order an election for such officer.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

HENRY DEAS, *President of the Senate.*
HENRY L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to conform the military with the judicial division of Pendleton district, and for other purposes.

Passed 18th Dec. 1830.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That from and after the first day of March next, the fourth and forty-second regiments of militia, shall be included in the district of Anderson, and that the second and fifth regiments of militia shall be included in the district of Pickens.

Division of militia.

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* Beat companies throughout the State reorganized by A. A. 19th Dec. 1833, sec. 4 and 5.

Dividing line.

Sec. 2. *And be it further enacted*, That the fifth street in the village of Anderson, be the line between the fourth and forty second regiment continuing from the east end thereof to a point on Saluda river, within one mile of Wilson's ferry, above, and from the west end of said street to a point on Seneca river, between Mrs. Sloan's ferry, and two miles above the mouth of said river—the said lines to be run by a person to be nominated by the colonels of these regiments, and the expenses to be defrayed out of fines, collected from defaulters in said regiments, each contributing equally.

Sec. 3. *And be it further enacted*, That this line dividing the second and fifth regiments, shall commence at the point of intersection between the district line of Pickens and Anderson, and the public road leading from the village of Pendleton to Harrison's ferry on Seneca river, thence along the said road to said ferry, thence up said river to the mouth of Toxaway, and up Toxaway to the Three Forks, and thence up the South Fork to the State Line.

Commissioners to establish dividing lines, &c.

Sec. 4. *And be it further enacted*, That the General's road shall be the dividing line between the two battalions of the fourth regiment, and that Samuel J. Hammond, Christopher Orr, and Asa Clinkscales, be commissioners in the first battalion, and that John M'Fall. jr. Solomon Shelton, and Wm. Houston, be appointed commissioners in the second battalion, to establish the beat company lines, and battalion parade grounds in their respective battalions.

Sec. 5. *And be it further enacted*, That Lewellen Goode, A. J. Liddell, and Job Rainwater, be appointed commissioners for like purposes in the battalion in which they reside, and that James L. M'Cann, James Mulligan, and Saxon Anderson, be appointed commissioners for like purposes, in the battalion in which they reside, and that they jointly form a board of commissioners for the forty-second regiment, to determine the grade of battalions, the dividing line of the battalions, and the regimental parade ground.

Commissioners for like purposes.

Sec. 3. *And be it further enacted*, That Samuel Reid, William Duff, and Michael Edmondston, be appointed commissioners for like purposes, in the battalion in which they reside, and Samuel C. Reeder, Jacob R. Cox, and Obadiah Trimmier, be appointed commissioners in the battalion in which they reside, for like purposes, who shall jointly determine the grade of the battalions, the battalion line, and the regimental parade ground for the second regiment, and that Samuel Gassaway, John Bowen, jr. and James Hendrix, be appointed commissioners for like purposes in the battalion in which they reside, and John Hunter, Nathaniel Lynch, and William Sutherland, be appointed commissioners for similar purposes, in the battalion in which they reside, who shall also jointly determine the grade of the two battalions, the battalion line, and regimental parade ground for the fifth regiment.

Sec. 7. *And be it further enacted*, That the foregoing changes shall not occasion any forfeiture of commission or rank, either in regimental, battalion, or beat company officers, or any dissolution of any existing uniform corps; but such officers or privates may continue to exercise the duties of their respective commands, or parade with the uniform corps to which they may have been attached, as the case may be.*

An Act to lay off and establish a new beat company in the seventh regiment of South-Carolina militia.

Sec. 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That a new beat company be formed and established in and around the town of Edgefield, by uniting portions of Bland's and the Horns Creek beat companies, by lines running in the following manner, that is to say: beginning at the head of Log Creek, and running down and along the meanders of said creek to the dividing line between the 7th, (Col. Bacon's) and 9th, (Col. Tompkins) regiments; thence along said regimental line to its intersection with the old Long Cane road, near the residence of James Griffin; thence down said road to the two mile stone, on the road leading from Edgefield Court House to the Pine House; thence a direct line to the head of Log Creek, the beginning. And that the portions of said two beat companies included within the said lines, form, and be constituted a separate beat.

Passed Dec. 1

New b pany i about t of Edg

Sec. 2. *And be it further enacted*, That the beat hereby directed to be formed and established, shall be attached to, and form a part of the upper battalion of the 7th regiment; and that the officer, whose duty it may be, shall immediately issue the necessary orders for the election of company officers in the said new beat.†

How t ganize

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

HENRY DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to authorize the formation of a mounted corps in Charleston.

Sec. 1. *Be it enacted by the Senate and House of Representatives*, That from and after the passing of this act, it shall and

Passed Dec.

* Remainder of this act relates to appointments of commissioners of roads—also Free Schools.

† Beat companies reorganized by A. A. 19th Dec. 1833, sec. 4 and 5.

may be lawful to and for such persons not exceeding one hundred in number, as reside in the city and district of Charleston, who are exempt from ordinary militia duty, to form themselves into a military corps of mounted men, under the name of the Charleston Horse Guards, to be equipped in such manner as the Governor shall direct or approve.

The corps entitled to usual number of officers.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said corps shall be entitled to the usual number of officers; and are hereby authorized to regulate the election and removal of said officers as they see fit.

Governor to commission officers.

Sec. 3. *And be it further enacted by the authority aforesaid*, That when the said corps shall be organized in such manner as the governor shall approve, the governor is hereby authorized and required to commission the officers to be elected by them.

The corps, in times of alarm, liable to duty.

Sec. 4. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said corps, in times of alarm, to perform such service as shall be prescribed and directed by the commanding officer of the militia in Charleston, on pain of incurring like penalties as the other militia of the State.

Sec. 5. *And be it further enacted by the authority aforesaid*, That a list of the persons who may be enrolled in the said corps, duly certified by the captain, shall be furnished to the captains of the several beat companies, in which they reside, and said persons, while they continue members of the Horse Guards, shall not be liable to duty in said beats.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

HENRY DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to define the recruiting limits of the Fairfield Grenadier Company.

Passed 17th Dec. 1831.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That hereafter it shall be lawful for any person residing within the districts of Fairfield and Chester, and liable to do militia duty, to join and become a member of the Fairfield Grenadier Company, in the same manner as such person would be entitled to do, were he a resident of that regiment to which said company is attached.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the sovereignty and Independence of the United States of America.

HENRY DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to enable officers of the militia to reside in certain cases out of their commands.

Passed 17th Dec. 1831.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That in all cases where the dividing line between any regiments in this State, shall pass through any town or village, it shall be lawful for any person, holding a commission in either regiment, to reside any where within the limits of said town or village, without a forfeiture of his commission.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

HENRY DEAS, *President of the Senate,*

H. L. PINCKNEY. *Speaker of the House of Representatives.*

An Act further to alter and amend the militia laws of this State.

Passed 20th Dec. 1832.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That in case the government of the United States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the State of South-Carolina into submission to the acts of congress, declared and ordained to be null and void and no law, in a convention of the people of the State of South-Carolina, on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, or to resist the enforcement of an Ordinance adopted by the convention aforesaid, or the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is hereby authorized and empowered to resist the same; and in order to render such resistance effectual, he is hereby authorized and empowered to order into service the whole military force of this State, or so much thereof as he may from time to time deem necessary and proper.

Empowering the governor to call out troops.

Sec. 2. *And be it further enacted by the authority aforesaid*, That in case of any overt action of coercion, or an intention on the part of the government of the United States, or any officer thereof, to commit such an act, manifested by an unusual assemblage of naval or military forces, in or near this State, or the occurrence of any circumstances, indicating the probability, that armed force is about to be employed against this State, or in resistance to its laws, the governor be, and he is hereby authorized to call into the service of this State, from time to time, such portion of the militia as may be required to meet the emergency.

Calling out troops for defence.

Infantry and rifle companies what number to consist of.

Sec. 3. *And be it further enacted by the authority aforesaid,* That each company of infantry called into the service, shall consist of sixty privates, five sergeants, and six corporals, to be officered by one captain, one first and second lieutenant and ensign; and each company of light infantry or riflemen, shall consist of not less than forty privates, and the requisite number of non-commissioned and commissioned officers.

Regiment of infantry what to consist of.

Sec. 4. *And be it further enacted by the authority aforesaid,* That each regiment of infantry called into service as aforesaid, shall consist of eight companies of infantry, and two companies of light infantry or riflemen, to be commanded by one colonel, one lieutenant-colonel, and one major, to be selected by the commander-in-chief, from amongst the officers of their respective grades, in commission at the time in the brigade or division, out of which such regiment shall be raised, and each colonel commanding a regiment of volunteers or militia, shall appoint his regimental staff, subject to the approval of the brigadier-general.

Volunteer companies to be raised.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the governor is hereby authorized, out of the several brigades or divisions of the State, to permit volunteer companies, troops, battalions, squadrons, and regiments of infantry, artillery, cavalry, light infantry and riflemen to be raised, and he is hereby authorized to accept the services of volunteers, whether by files, companies, or otherwise, and it shall be his duty, whenever in his opinion the public interest shall require it, to cause such volunteers to be organized into companies, troops, battalions, squadrons or regiments, as the case may be, and he may form the same into brigades and divisions: Provided no troop or company shall consist of less than forty or more than one hundred effective rank and file, with the proper complement of non-commissioned and commissioned officers required by law; the field and general officers to be selected by the governor, from amongst the officers of their respective grades in the brigade or division, out of which such regiment or brigade shall be raised, and where any officer already in commission, shall accept a command in any such volunteer corps, he may retain both commissions, and at the end of his term of service as a volunteer, shall be at liberty to resume his rank and command: Provided, that every volunteer company, troop, battalion, squadron or regiment, which shall offer its services as a whole, shall be so received, and permitted to retain its own officers.

Volunteers exempt from ordinary militia duty.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the officers, non-commissioned officers and privates, of every volunteer company, troop, battalion, squadron, or regiment, which may be raised, or whose services may be accepted as aforesaid, shall not be called upon to do militia duty in any other corps, but shall be liable to perform in their respective volunteer companies, all the duties now required, or which may hereafter be required of the militia by law; and the officers of

such volunteer corps shall, when acting in conjunction with other corps, take rank according to the date of their respective commissions.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the volunteers which shall be raised, or whose services shall be accepted as aforesaid, or any portion thereof, may be called out by the governor, in any of the cases above mentioned, or other emergency, in which he is authorized by law to call out the militia, and the term of service of the said volunteers, as well as the other militia corps, shall be six months from the day of their being mustered into service, unless sooner discharged; and all free white men, above the age of sixteen years, may be accepted as volunteers, and all between the ages of eighteen and forty-five, shall be liable to be called out, as is herein before provided for. Time of service of troops.

Sec. 8. *And be it further enacted by the authority aforesaid*, That whenever any portion of the volunteers or militia aforesaid, shall be required for actual service, they shall, in every respect, be subject to the provisions contained in the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh sections of the act of the general assembly, ratified on the twenty-fourth day of September, eighteen hundred and thirteen, entitled "an act to alter and amend the militia laws of this State." Regulations for militia and volunteers.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the governor shall be, and he is hereby authorized to order out any portion of the volunteers, and militia of the State, for review, inspection, and military instruction, as often, as in his opinion, the public service may require: Provided, that when so ordered out, they shall not be kept longer in the field than twelve hours at any one time, and every officer, non-commissioned officer and private, shall be liable to the same fines and other penalties, for non-attendance or disobedience of orders, while under arms, as are now imposed by law, for non-attendance or disobedience of orders at regimental musters; the same to be imposed, collected and appropriated, as now provided for by law, in relation to regimental musters. The governor to order out troops for instruction.

Sec. 10. *And be it further enacted by the authority aforesaid*, That the governor is hereby authorized and empowered, to purchase for the use of the State, as he may judge necessary from time to time, ten thousand stand of small arms, and the necessary accoutrements; the requisite quantity of cannon balls, powder, lead, and other munitions; such ordnance as he may deem advisable, and to repair and mount, such ordnance now belonging to the State, as may be worth the expense; and the governor also shall be, and he is hereby authorized to appoint, from time to time, such assistant staff officers of the grades now established by law, as may be necessary, for the purpose of carrying this act into complete effect; and he is also authorized to appoint additional aids-de-camp, whenever in his opinion the public ser- Authorizing the purchase of arms, &c.

vice may require it: Provided, that such appointments shall not continue in force longer than two years after the passage of this act.

In case of inability in the civil authority, the military to be called out.

Sec. 11. *And be it further enacted by the authority aforesaid*, That the governor shall have power, and it is hereby declared to be his duty, in all cases of insurrection or invasion, or imminent danger thereof, and in cases where the laws of the State shall be opposed, and the execution thereof finally obstructed, by combinations too powerful to be suppressed by the power vested in the sheriff or other civil officers of the State, who may be charged with the execution of the said laws, to call forth such portions of the militia and volunteers aforesaid, as may be necessary, promptly to suppress such combinations, and to cause the laws of the State to be duly executed.

This act to be given in evidence.

Sec. 12. *And be it further enacted by the authority aforesaid*, That if any person or persons whosoever, shall be sued, impleaded, molested, or prosecuted for any matter, cause, or thing, done or executed, or caused to be done or executed, by virtue of, or in pursuance of this act, all and every such person shall and may plead the general issue, and give this act and special matter in evidence; in case the plaintiff should suffer a discontinuance, enter a noli prosequi, suffer a non-suit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, or for whom judgment shall pass, his full double cost of suit.

The law prohibiting the reduction of beat companies suspended.

Sec. 13. *And be it further enacted by the authority aforesaid*, That the laws now of force, prohibiting the reduction of beat companies below the numbers of thirty men, or the raising a greater portion of certain descriptions of troops, than are now authorized, within the limits of each military division, be and the same are hereby suspended, so far as the operation of this act is concerned, and this act shall continue of force, unless sooner repealed, for two years from the passage thereof, and no longer: And the "Abstract of infantry tactics, for the use of the militia of the United States, published by the department of war, under the authority of the act of congress of 2d of March, 1829," shall hereafter be observed in the instruction and exercise of infantry within this State, and the "Exercise and Manœuvres of light infantry and riflemen," annexed to said Abstract, shall, in like manner, be observed in the instruction and exercise of light infantry and riflemen, and the "System of Exercise and Instruction of field artillery, including Manœuvres for light or horse artillery," shall likewise be observed by the artillery within this State,* and the officers of infantry, cavalry and artillery, respectively, shall be furnished with a copy thereof by the governor,

* By A. A. 19th Dec. 1833, sec. 25, the army regulations of the United States, so far as they are consistent with our constitution and laws, are adopted as a system of police for the militia of this State. By sec. 26, the commander-in-chief is authorized to have a system of cavalry and artillery tactics *compiled*, and published for the use of the cavalry and artillery of this State.

and every officer shall be required, on the vacation of his commission, to deliver over to his successor the said book, or pay to said successor three dollars, to be by him recovered before any magistrate, and applied by said successor to the purchase of another and similar book.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to incorporate under a new name the Jackson Guards.

Passed 20 Dec. 1832

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That the name and title of the "Jackson Guards," a company attached to the sixteenth regiment of South-Carolina militia, be, and the same are hereby changed to the name and title of the "Sumter Guards;" and that the present officers of the said corps be commissioned by the commander-in-chief of this State, conformably to the change of the name and title of said corps, with the same rank to which they are now entitled, as officers of the militia.

Name of c pany chan

Company corporated

Sec. 2. *And be it further enacted by the authority aforesaid*, That those persons who now are, or hereafter may become members of the said corps, be, and the same are hereby declared a body politic and corporate, by the name and style of the "Sumter Guards."

Powers.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the said corporation shall be able and capable in law, to have succession of officers and members, to be chosen and admitted according to the rules and regulations made or to be made for its government and direction; to make all lawful by-laws; to have a common seal, and to alter the name, and by its said name to sue and be sued, implead and be impleaded, answer or be answered in any court of law or equity in this State.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of American Independence.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to provide for the security and protection of the State Citadel and Magazine in Charleston.

Passed 2 Dec. 183

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That the governor be, and he is

hereby authorized to enlarge the number of the magazine guard near Charleston, by the employment of such number of men as the public service may require, provided, that the whole number of officers and men, including workmen, artificers and labourers, shall not exceed sixty; that the said guard, in addition to the duties now required of them, shall take charge of the citadel in the city of Charleston, for the protection of the same, and the arms and ammunitions of war which may be therein, under such regulations as the governor may from time to time prescribe.

Number of the guard.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said guard shall be subject to the order of the governor exclusively, who shall have the power to appoint and remove officers, to prescribe the duties, and make such rules and regulations for the government of said guard as he may think proper, not inconsistent with the laws of the land.

Guard subject to order of governor.

Sec. 3. *And be it further enacted by the authority aforesaid*, That in addition to the duties above-mentioned, the said guard shall be liable to perform, under the orders of the governor, all the duties to which the militia, or volunteers of the State, are or may be liable, and the officers, non-commissioned officers and privates of said guard, shall be liable to be tried and punished by courts-martial, composed either of officers of said guard, or of the militia, and shall be subject to the same fines and penalties, and when called into actual service, to the rules and regulations that are or may be prescribed for the government of the militia, under like circumstances.

Duties and penalties.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the officers of said guard shall consist of a captain, (who shall also be powder receiver, and have charge of the magazine near Charleston) a first and a second lieutenant; and the said officers, non-commissioned officers, privates, workmen and artificers, shall receive a reasonable compensation for their services, to be fixed by the governor: Provided, no commissioned officer shall receive greater pay than is now allowed to officers of the United States Army, of corresponding grades.

Officers and pay.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America,

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

An Act prescribing the mode of altering the boundaries of the several militia beats, battalions and regiments, within this State.

Passed 20th Dec. 1832.

Sec. 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and after the passing of this act,

it shall be the duty of each of the brigadier-generals of this State, to whom representation shall be made of any gross inequality, or manifest inconvenience of boundary between any two or more adjoining beats, battalions or regiments within his brigade, to appoint a board of commissioners, consisting of not less than five persons from each of the beats, battalions or regiments, liable to be affected by their decision, whose duty it shall be to examine fully the complaints or representations so made as aforesaid, and to make such decision in the premises, either in favor of the existing boundaries, or of such new boundaries as to them shall seem proper: and any boundaries of any adjoining beats, battalions or regiments, adopted by such board of commissioners, when approved by the brigadier-general, and by him announced in brigade orders, shall be the boundary of every such beat, battalion or regiment. Brigadier-general's duty.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to transfer captain Cleckley's company to the fourteenth regiment, South-Carolina militia, and for other purposes. Passed 20th Dec. 1832.

Sec. 1. *Be it enacted by the Senate and House of Representatives*, That the company of militia in St. Matthews' parish, now under the command of captain Cleckley, and known by the name of the Buck Head company, be transferred from the fifteenth regiment, and attached to and form a part of the fourteenth regiment of the militia of this State. Buckhead beat company transfered.

Sec. 2. *And be it further enacted*, That the field officers of the fifteenth regiment of the militia of this State, divide the battalions composing the same, by substituting Savannahunt, instead of Sandy Run, as the division line of said battalions, on or before the thirtieth day of January next. Savannahunt dividing line of 15th regiment.

Sec. 3. *And be it further enacted*, That the dividing line between the first and second battalions in the fourth regiment, be so altered as to include the dwelling house on the Warennes tract, within the limits of the first battalion. Dividing line of 4th regiment

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of American Independence.

H. DEAS, *President of the Senate.*

HENRY L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to empower the commissioners of cross roads for Charleston Neck, to appoint a collector of patrol fines.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same,* That so much of the act of General assembly, ratified the twentieth day of December, one thousand eight hundred and twenty-three, as appoints the collector of the regiment to collect the fines and penalties imposed for neglect or default in the performance of patrol duty on Charleston neck, be, and the same is hereby repealed: and that the commissioners of cross roads for Charleston neck, be, and are hereby empowered to appoint a collector, who shall have the same power and authority to collect the fines and penalties imposed for neglect or default in the performance of patrol duty, as by the said act is vested in the collector of the regiment: and the said commissioners are authorized and empowered to require of the collector to be appointed by them, bond, with sufficient security, for the faithful performance of the duties of his office, and also to remove said collector from office.*

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to regulate the militia of the parishes of St. Philip and St. Michael, and for other purposes.

assed 20th ec. 1832.

Sec. 1. Whereas, from the location of the regiments and corps, composing the militia of the parishes of St. Philip and St. Michael, they can be conveniently assembled as a body for inspection, exercise and review, to their manifest advantage in point of discipline and efficiency:

erades of 4th rigade.

Sec. 2. *Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the brigadier-general, or officer commanding the fourth brigade, in the second division of the militia of this State, to order the several regiments and corps composing the militia of the said parishes, to parade for inspection, exercise and review, twice in each and every

* Repealed by A. A. 19th Dec. 1833, sec. 32.

year; parades for such purposes to be enumerated as a part of the six company parades, now annually required by law.

Brigadier-general to preside over board of officers, &c.

Sec. 3. *Be it further enacted by the authority aforesaid*, That the brigadier-general of the said brigade, be, and he is hereby constituted a member, and the presiding officer of the board of field officers, residing in said parishes, empowered by the act of 1809 to purchase a parade ground for the use of the militia of the said parishes.

Collector appointed, &c.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the brigadier-general of the said brigade, be, and he is hereby authorized and required to appoint a collector of the militia fines for the said parishes, whose duty it shall be to collect all fines now imposed or hereafter to be imposed, for neglect of militia duty, on the militia of said parishes, and who shall be clothed with the same authority and power, as are now vested by law in the collectors of militia fines throughout the State, and who shall receive as a compensation for his services, a sum not exceeding twenty-five per cent. on all monies collected, together with the usual fees allowed to magistrates and constables, to be collected from the parties if able to pay, in all cases where executions shall be issued.*

Disposition of fines.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the fines so collected, shall form a common fund for the militia of said parishes, to defray the expenses incident to their company and other parades, and in general to be appropriated to their use, and disbursed under the direction of the Board of officers aforesaid, composed of the brigadier-general and field officers residing within the said parishes: and whereas some difficulty has arisen in relation to courts-martial ordered to be held on the commissioned officers, non-commissioned officers and privates who may compose the fire-guard of the city of Charleston for default of duty and other military offences, for remedy whereof:

Courts-martial

Sec. 6. *Be it further enacted by the authority aforesaid*, That from and after the passing of this act, the brigadier-general of the fourth brigade, or in his absence from the parishes of St. Philip and St. Michael, the senior officer of the militia of said parishes shall have full power and authority to order courts-martial on all officers, non-commissioned officers and privates, composing the aforesaid guard, who shall fail to attend in case of alarm from fire, and when ordered to mount guard, and for relief of the same, and for other military offences, at such times and in such manner as may be deemed fit and proper; and that the proceedings of such courts-martial shall be approved or disapproved by the officer so ordering the same.

* The duty of collecting militia fines, now devolves on the sheriffs of the several districts throughout the State, by A. A. 19th Dec. 1833, sec. 32.

Sec. 7. *Be it further enacted by the authority aforesaid*, That all acts and parts of acts repugnant to this act, be, and the same are hereby repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the sovereignty and Independence of the United States of America.

HENRY DEAS, *President of the Senate.*

HENRY L. PINCKNEY, *Speaker of the House of Representatives.*

An Act to provide for the military organization of this State.

Passed 19th Dec. 1833.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly*, That from and after the passing of this act, the commissions of the major-generals, brigadier-generals, and their respective staffs, the adjutant and inspector-general, and deputy adjutant-generals of the militia of this State, are hereby vacated: and the legislature shall forthwith, by joint ballot of both houses, elect five major-generals, one for each division, and ten brigadier-generals, one for each brigade.

Commissions vacated.

Officers, how to be elected.

Sec. 2. *And be it further enacted by the authority aforesaid*, That there shall be one adjutant and inspector-general, with the rank of brigadier-general, five assistant adjutants-general, with the rank of colonel, and to each division and brigade, the additional staff officers now required by law. The adjutant and inspector-general to be elected by joint ballot of both branches of the legislature, to continue in office for four years from the date of his commission. The division staff to be appointed by the major-general, subject, except his aids-de-camp, to the approval of the commander-in-chief. The brigade staff to be appointed by the brigadier-generals, subject, except his aids-de-camp, to the approval of the major-general. And the adjutant and inspector-general shall receive an annual salary of fifteen hundred dollars.

Companies dissolved.

Sec. 3. *And be it further enacted by the authority aforesaid*, That each and every volunteer company of light-infantry, riflemen, or grenadiers, in existence at the passing of this act, attached to any regiment or battalion of the militia of this State, except such as are incorporated by act of the legislature, shall be dissolved on the first day of March next, and the commissions of their respective officers vacated, and of none effect.

Beats, how laid off.

Sec. 4. *And be it further enacted by the authority aforesaid*, That each brigadier-general, immediately after his election, shall appoint five commissioners in each battalion of his brigade, in which there shall be either more or less than four beat companies, whose duty it shall be to divide said battalions into four beat companies, as nearly equal as may be, and report the same

to the brigadier-general, designating the boundaries and lines of each beat, within two months from the adjournment of the legislature. Three of said commissioners shall be a quorum to perform said duties, and if either of said commissioners shall wilfully neglect or refuse to perform the duty hereby assigned, he shall, upon conviction on indictment, be fined not less than one hundred dollars.

Sec. 5. *And be it further enacted by the authority aforesaid*, That within fifteen days after the report of the commissioners is received, each brigadier-general shall issue an order, defining the boundaries of each beat company, which shall be posted up at two public places at least, within said beat company, and which shall be recorded in the office of the register of mesne conveyance of the district in which said beat is situated; he shall, also, order an election, and appoint managers to conduct and declare the same, for one captain, two lieutenants, and one ensign, to command said company, for one major to command said battalion, and one colonel to command the regiment, which election shall be held on the eleventh day of April next. Elections shall also be held on the same day, in each volunteer uniform company, having the full compliment of rank and file, required by this act, and regularly attached to said regiment, for company, battalion, and regimental officers. And should any brigadier-general neglect or refuse, or from any cause, fail to have the several battalions of his brigade divided into beats, as herein provided, or to order the election of officers on the eleventh of April next, the commander-in chief is hereby authorized and required to cause the election of field officers to be advertized and held in every regiment of such brigade, the return to be made to the commander-in-chief, and every colonel so elected, when commissioned, shall forthwith cause each of the battalions in his regiment, to be divided into four beat companies, and order elections to be held for company officers in each of such beats.*

Record to be made.

Elections, how conducted.

Sec. 6. *And be it further enacted by the authority aforesaid*, That on the tenth day of April next, the commission of each and every militia officer of this State, except those elected or appointed under this act, and the aids of the commander-in-chief, shall be, and the same are hereby declared vacated and of none effect, provided, that every officer who may be elected or appointed under this act, to the same office which he may hold on the said tenth day of April next, shall take rank from the date of his commission so vacated—the secretary of state shall be allowed one thousand dollars, in lieu of all fees and charges for services in relation to military commissions, for the ensuing year.

Fees for granting commissions.

Sec. 7. *And be it further enacted by the authority aforesaid*, That from and after the present session of the legislature, each

* By A. A. 17th Dec. 1834, sec. 9. the major-general of the fifth division is required to divide the ninth brigade of his division into six regiments, in the manner prescribed by said clause. By sec. 14, the 28th regiment is required to be divided into two regiments.

major-general shall be elected by the commissioned officers of the division, in which the vacancy shall occur, from amongst the general, field and staff officers, residing within the said division, of, or above the rank of major, and no such officer shall be eligible unless he has held a commission of, or above the rank of captain, for twelve months next preceding the election, and each brigadier-general shall be elected by the commissioned officers of the brigade in which such vacancy shall occur, and by the staff officers residing in the said brigade from among the officers of the brigade, and the staff officers residing in said brigade, of, or above the rank of captain, and no officer shall be eligible unless he has held a commission of, or above the rank of captain, for twelve months next preceding the election: Provided, the ineligibility above specified, shall not extend to officers elected or appointed under the provision of this act, until the expiration of twelve months from the eleventh day of April next.

Certain persons not eligible to office.

Sec. 8. *And be it further enacted by the authority aforesad*, That from and after the eleventh day of April next, every vacancy in the offices of colonel and major in the line, shall be filled by election as now prescribed by law, provided, that no person shall be eligible to either of said offices, unless he has held a commission in said regiment or battalion, at least six months next preceding the election, provided, the ineligibility above specified, shall not extend to officers elected or appointed under the provisions of this act, until the expiration of twelve months from the eleventh day of April next; and all vacancies in the offices of the volunteer uniform and battalion beat companies, shall, also, be filled as now prescribed by law; provided, that no person attached to the cavalry, and no person who has not resided in the State at least six months next preceding such elections, shall be allowed to vote at the same.

Companies refusing to elect, officers to be appointed.

Sec. 9. *And be it further enacted by the authority aforesaid*, That whenever any beat company shall neglect or refuse to elect an officer to fill any vacancy which shall occur in said company, for the space of two months, or where the person elected to fill such vacancy, shall refuse to accept within thirty days from the time of his election, it shall be the duty of the colonel or officer commanding the regiment to which said company belongs, to appoint and commission some fit and proper person, liable to do ordinary militia duty within such beat, to fill such office, who shall discharge the duties thereof, for twelve months, unless said office be sooner filled by the election of some person who will accept the same as provided by this act; and upon the refusal of any person so appointed to office, to discharge the duties of said office, he shall pay a fine of twenty dollars, to be imposed by the field officers, sitting in court-martial, and collected as other fines hereinafter provided; and it shall be the duty of the colonel, or officer commanding the regiment, to appoint and commission, as often as such vacancy shall occur, until the same shall be filled by *some person* accepting said office; and, in every case of refusal

to accept, the penalty above-mentioned shall be enforced again the person so refusing in the manner prescribed in the foregoing part of this clause,—and each company officer elected and commissioned, as provided by this act, shall, under a penalty of twenty dollars, to be imposed as aforesaid, be compelled to serve at least twelve months, unless he shall be promoted, or shall remove from the limits of his command, or, in the opinion of the field officers of the regiment, become incompetent to discharge the duties of the same: Provided, that no person accepting a commission, under the appointment of the colonel, or other officer in command of the regiment, as herein above provided for, shall be compelled to uniform himself, or be compelled to discharge the duties of a commissioned officer in said company, longer than one year in three.

Penalty for refusing to serve when appointed.

Sec. 10. *And be it further enacted by the authority aforesaid*, That in addition to the oaths now required by law, every officer of the militia hereafter elected, shall, before he enters upon the duties of his office, take and subscribe, before some person authorized by law to administer oaths, the following oath: "I, A. B. do solemnly swear or affirm, as the case may be, that I will be faithful and true allegiance bear to the State of South-Carolina, so help me God," which oath shall be endorsed and certified upon his commission, as hereinafter prescribed.*

Oath prescribed.

Sec. 11. *And be it further enacted by the authority aforesaid*, That if any person, elected or appointed to any military office in this State, shall accept the same, and shall neglect or refuse to take the oath of office prescribed by law, within thirty days† after his election or appointment, he shall, in addition to the penalties provided by this act, for refusing to discharge the duties of the office to which he has been elected or appointed, forfeit his commission; and the officer authorized to commission such person, is hereby authorized and required to appoint some suitable person to fill said office, who, upon taking said oath, shall continue to discharge the duties thereof until the same shall be filled by election or appointment, as provided for by this act. All officers, authorized to commission an officer by the provisions of this act, are hereby authorized to administer the oath of office, and no person elected or appointed to office, under this act, who shall accept the same, and wilfully neglect or refuse to take the oath prescribed by law, shall thereafter be eligible to that office.

In case of neglect now election to be made

Sec. 12. *And be it further enacted by the authority aforesaid*, That the officer whose duty it shall be to commission any person elected or appointed to any office in the militia, shall, in each and every case, before issuing a commission to an officer, receive

Oath certified to.

*This oath was decided by the Appeal Court, (Judges Johnson and O'Neal concurring, and Judge Harper dissenting,) to be unconstitutional, inasmuch as it conflicted with that required by the 4th article of the constitution. That article having since been altered, establishes the oath laid down in the A. A. 17th Dec. 1834, sec. 3.

† Altered to sixty days, by A. A. 17th Dec. 1834, sec. 3.

from such officer the above prescribed oath, sworn to as the law directs, certified by the officer before whom the oath was taken, which oath and certificate he shall endorse upon said commission, and certify to be true copies.

Formation of regiments, &c.

Sec. 13. *And be it further enacted by the authority aforesaid*, That each regiment of infantry shall consist of two battalions, and each battalion of four beat companies, and to each regiment there may be attached two light companies, and one company of artillery, and no more.* And from and after the eleventh day of April next, the colonel or commanding officer of each regiment, in which the number of light companies allowed by this act have not been raised, is hereby authorized and required to permit said companies to be raised.

Companies to consist of a certain number of men.

Sec. 14. *And be it further enacted by the authority aforesaid*, That no light company shall be inspected and received into any regiment, unless it consist of at least forty rank and file, four officers and four sergeants, nor shall any such company contain more than one hundred rank and file; and should any such company, at any time, be reduced below the number above required for inspection, the colonel of the regiment to which it is attached, shall give notice to its commanding officer to fill up its ranks, and unless the said company shall, in six months after the said notice, be filled up to the number above required for inspection, the colonel shall disband it.

Companies may be raised.

Sec. 15. *And be it further enacted by the authority aforesaid*, That immediately after the brigadier-general has issued his order, defining the boundaries of the beat companies, the light companies specified in the foregoing clauses, may be raised,† precedence in all cases being given to those companies already incorporated by act of the legislature. And all such volunteer light companies, which are in complete uniform, and attached to their proper regiments, on the tenth day of April next, shall hold elections for company, battalion and regimental officers, as provided by this act.

Volunteers to turn out as a whole.

Sec. 16. *And be it further enacted by the authority aforesaid*, That the volunteer light companies to be raised under this act, shall, when called into service by the authority of this State, go as a whole, and upon refusal of any such company so to turn out, it shall be disbanded, and the commissions of its officers vacated and of none effect, and the proper officer shall forthwith permit another company to be organized to supply its place.

Sec. 17. *And be it further enacted by the authority aforesaid*, That artillery companies, troops, squadrons and regiments of cav-

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* By A. A. 17th Dec. 1834, sec. 6, two companies of riflemen or light infantry may be raised in each regiment, in addition to the volunteer companies now allowed by law, provided that not more than two volunteer companies of riflemen or light infantry shall be raised in each battalion.

† By A. A. 17th Dec, 1834, sec 19, the recruiting limits of volunteer companies, not confined to the boundaries of the regiments to which they are attached, but may extend to the boundaries of the brigades to which they belong.

alry, which were organized according to law, previous to the act passed in December last, entitled "An Act further to alter and amend the militia laws of this State," shall be allowed to re-organize themselves, and elect their officers on the eleventh day of April next, and where no such companies, troops, squadrons and regiments have been raised, as now provided by law, the brigadier-generals are hereby authorized to permit the raising of such corps, within their respective commands. Companies may be re-organized.

Sec. 18. *And be it further enacted by the authority aforesaid*, That no beat company shall be reduced below forty rank and file, by the raising of any light or other volunteer company.

Sec. 19. *And be it further enacted by the authority aforesaid*, That each captain or officer commanding a company or troop, shall assemble his command six times in every year, for drill, exercise and instruction, to continue not more than one day at each time of assembling.

Sec. 20. *And be it further enacted by the authority aforesaid*, That each colonel or officer commanding a regiment, is hereby authorized and required to order out his regiment once in every year, to assemble at some convenient place, for drill, exercise and instruction, to continue assembled not more than one day, and the said colonel, or officer commanding a regiment, shall, likewise, on the day preceding such drill, assemble all the officers and non-commissioned officers of his regiment, and drill, exercise and instruct them in the manœuvres which are to be performed the next day. Parades.

Sec. 22. *And be it further enacted by the authority aforesaid*, That it shall be the duty of each colonel, to attend the muster of each company in his regiment, at least once in every year, and of the lieutenant-colonel and major to attend the muster of each company in their respective battalions, at least twice in each year, to give their assistance and superintendence, in the drill, exercise and instruction of said companies. And each captain or officer commanding a company, shall arrange his musters at such times as will best enable the colonel, lieutenant-colonel and major, to perform the above duties, and shall, whenever required, furnish said officers with a report, specifying the times and places at which his company will be mustered for the year next ensuing. How conducted.

Sec. 23. *And be it further enacted by the authority aforesaid*, That it shall be the duty of each brigadier-general to order, and with his staff attend, a muster and review of each regiment in his brigade, at least once in every year, and of each major-general to order, and with his staff attend, a muster and review of each regiment in his division, at least once in every two years.

Sec. 24. *And be it further enacted by the authority aforesaid*, That the commander-in-chief shall have power and authority to order reviews of such portions of the militia, and at such times and places as he may deem expedient and proper, and be also Power vested in the commander-in-chief.

invested with all the powers and authority now provided by law, in cases of invasion or threat of invasion.

System of tactics to be compiled.

Sec. 25. *And be it further enacted by the authority aforesaid,* That the army regulations of the United States, as far as consistent with the laws and constitution of the State, are hereby adopted and established as a system of police for the militia of this State.

Sec. 26. *And be it further enacted by the authority aforesaid,* That the commander-in-chief is hereby authorized to cause a system of cavalry and artillery tactics to be compiled, published and distributed for the use of the cavalry and artillery of this State.

Commissioned officers to assemble.

Sec. 27. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the brigadier-general, or officer commanding the brigade under the direction of the commander-in-chief, once in two years, to assemble the commissioned officers of his brigade at some convenient place within said brigade, to be encamped for five days, and instructed and exercised in the various schools of the soldier, company and battalion, the manœuvres of the line, and the routine of the duties and discipline of the camp, each officer to be in full uniform and fully equipped, besides his side-arms, with a musket, bayonet, cartouch-box, twenty-four rounds of blank cartridge, and a knapsack, and each brigade shall be furnished by the State with the requisite number of good tents.

Notice given for parade.

Sec. 28. *And be it further enacted by the authority aforesaid,* That whenever a brigadier-general, or officer commanding a brigade, shall have issued orders for a brigade encampment, he shall notify the major-general, or officer commanding the division, of the time and place at which the officers of his brigade will be encamped; and it shall be the duty of the said major-general, or officer commanding the division, with his staff, to attend such encampment.

Sec. 29. *And be it further enacted by the authority aforesaid* That in addition to the duties now required by law, of the adjutant and inspector-general, it shall be his duty to attend all encampments of officers, and to drill, train, exercise and instruct them in the various branches of military manœuvres and tactics.

Courts-martial how conducted

Sec. 30. *And be it further enacted by the authority aforesaid,* That each colonel of a regiment shall have power to order courts-martial, for the trial of all officers under his command, except field officers, to consist of not less than five, nor more than thirteen officers, one of whom shall be a field officer. And it shall also be his duty to detail courts-martial, to consist of at least three commissioned officers, who shall meet at least once in every four months, in full uniform, at or near the regimental muster ground, or at such other place within the limits of the regiment, as the colonel may deem proper, to try all defaulters at company, battalion, or regimental musters; and all non-commissioned officers, privates or fatigue men, for the non-performance or violation of

any duty required by law, as well as for disobedience of orders, and for non-performance of patrol duty. The officers commanding companies in said regiment, shall report all the defaulters to this court at each of its meetings, and shall cause them to be summoned to attend its sittings, and furnish the court with proof of the summons. Defaulters may send their excuse, if fairly written out, and sworn to before some person competent to administer an oath;* unless specially summoned to attend in person by the court, and from this court there shall be no appeal;† but no sentence of any court-martial shall be put in force, until approved by the officer ordering said court.

Defaulters may send their excuse in writing.

Sec. 31. *And be it further enacted by the authority aforesaid*, That all penalties imposed by this act, may be recovered within twelve months after the party has made default; but no defaulter shall be liable to any penalty after the expiration of the time aforesaid.

Fines imposed to be collected as other executions.

Sec. 32. *And be it further enacted by the authority aforesaid*, That the president of every court-martial imposing a fine, shall issue an execution *fi. fa.* or *ca. sa.* for the same, directed to all and singular the sheriffs of this State, who shall execute and return the same to the court from which it issues, within four months, and pay the amount collected to the proper paymaster, under the same penalties as are now imposed by law, for not returning process issued by any court of this State. The sheriffs' fees for executing such process, shall be fifty cents from the defendant, and ten per cent. on the fines collected.

Sec. 33. *And be it further enacted by the authority aforesaid*, That each sheriff failing to collect and pay over fines, or to make return of the execution as above required, shall be subject to rule and attachment from the court of Common Pleas of the district wherein he resides, upon motion of any attorney, president of a court-martial, the officer ordering the same, or any paymaster or other officer, whose duty it is to see that such process be duly executed.

Duties of the sheriff and pay masters.

Sec. 34. *And be it further enacted by the authority aforesaid*, That the paymaster of the regiment shall receive all fines imposed by regimental courts-martial, which shall be disbursed by order of the field officers of the regiment, as now required by law.

Sec. 35. *And be it further enacted by the authority aforesaid*, That each major-general and brigadier-general is hereby authorized to appoint a paymaster for his division or brigade respectively, who shall continue in office during the pleasure of the officer making his appointment, and who shall receive all fines imposed by division or brigade courts-martial, which shall be disbursed by order of the major-general or brigadier-general, for the use of the division or brigade in which they may have been imposed.

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* By A. A. 17th Dec. 1834, sec. 2, commissioned officers of each company are allowed to administer the oath.

† Appeals re-established, by A. A. Dec. 1834 sec. 1.

Paymaster to give bond.

Sec. 36. *And be it further enacted by the authority aforesaid*, That it shall be the duty of each officer authorized to appoint a paymaster, to take from him a bond, with good security, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, which said bond shall be made payable to the State of South-Carolina, and shall be lodged with the clerk of the court of the district in which the paymaster resides; and every paymaster shall be allowed to retain for his services ten per cent. of the monies collected by him. And each paymaster shall be compelled to account once at least in twelve months, and oftener if required, to the commanding officer of the regiment, brigade or division respectively, of which he is paymaster, which accounts shall be subject to the inspection of the brigadier-general, major-general, and commander-in-chief respectively.

Penalties for neglect of duty

Sec. 37. *And be it further enacted by the authority aforesaid*, That a major-general, and each officer of his staff, a brigadier-general, and each officer of his staff, each field officer and each officer of the regimental staff, shall, for any neglect of duty on or off parade, in addition to the other penalties provided by law, be liable to pay a fine of not less than twenty, nor more than one hundred dollars, to be imposed by courts-martial authorized to try officers of their grades respectively.

Sec. 38. *And be it further enacted by the authority aforesaid*, That every commissioned company officer, for each neglect of duty or disobedience of orders, either on or off parade, shall be fined not less than five dollars, nor more than fifty dollars, to be imposed by courts-martial authorized to try officers of their grade, besides being liable to the other penalties now imposed by law.*

Sec. 39. *And be it further enacted by the authority aforesaid*, That each non-commissioned officer or private, for non-attendance at a company muster, shall be fined two dollars, and fifty per cent.† on his last general tax: *Provided*, That such fines shall in no case exceed twenty dollars.

Disorderly conduct punished.

Sec. 40. *And be it further enacted by the authority aforesaid*, That while on parade, the officer commanding shall have full power and authority to put under arrest any non-commissioned officer or private, who may disobey orders, or be guilty of disorderly conduct, or any other person who shall disturb the parade, and to inflict forthwith a fine of not less than two nor more than ten dollars, on the offender, for the collection of which, he shall issue an execution forthwith, directed to the sheriffs of the State

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* By A. A 17th Dec. 1834, sec. 5, every officer is obliged to uniform himself within three months after his election, and should he appear on parade, or at a court-martial, of which he may be a member, without such uniform, may be fined in a sum of not less than five, nor more than fifty dollars.

† Now twenty per cent. by A. A. 17th Dec. 1834, sec. 18, which repeals *the proviso* also.

as is herein before provided for other fines, and shall also have power to cause the offender to be confined, not exceeding ten hours, under a guard.

Sec. 41. *And be it further enacted by the authority aforesaid*, That each non-commissioned officer, for disobedience of orders, or any neglect of duty off parade, shall be fined by a court-martial not less than three, nor more than twenty-five dollars.

Sec. 42. *And be it further enacted by the authority aforesaid*, That any officer, whose duty it is to make any returns required by law, or any paymaster whose duty it is to account, shall do so whenever ordered by the proper officer, under a fine for neglecting so to do, of not less than ten, nor more than one hundred dollars, to be imposed by a court-martial.

Sec. 43. *And be it further enacted by the authority aforesaid*, That instead of the fines now imposed by law on a non-commissioned officer or private, who appears on parade without the proper equipments, he shall be fined one dollar, unless he appear at muster with a gun in good order for service, the officer commanding to issue execution therefor forthwith, provided that no person shall be compelled to pay said fine, who shall make oath before some magistrate, or the commanding officer of his company, (who is hereby authorized to administer such oaths) of his inability to purchase or procure such weapon. Arms.

Sec. 44. *And be it further enacted by the authority aforesaid*, That every person removing from one beat to another, shall report himself within thirty days after his removal, to the officer commanding the beat from which he has removed, (and to the officer commanding the beat to which he has removed,) or be fined five dollars, besides being liable for default of duty in the beat from which he has removed. Persons to report themselves.

Sec. 45. *And be it further enacted by the authority aforesaid*, That for a non-attendance at brigade encampments, the following fines shall be imposed: a major-general, one hundred dollars; a brigadier-general, eighty dollars; a colonel, sixty dollars; a lieutenant-colonel or major, fifty dollars; a captain or subaltern, twenty-five dollars; to be imposed by courts-martial authorized to try officers of their grades respectively. Fines for non-attendance.

Sec. 46. *And be it further enacted by the authority aforesaid*, That the following persons, and none others, shall be exempt from the performance of ordinary militia duty, (and these not in time of alarm or military invasion,) to wit: the lieutenant-governor, judges, members of both branches of the legislature, and their respective officers, fifteen days before the commencement, during, and fifteen days after the close of each session, regularly officiating clergymen, school masters, having under their tuition not less than fifteen scholars, students at schools, academies and colleges, clerks of courts, sheriffs and jailors, regularly admitted practising physicians and surgeons, all branch pilots, one white man to each established ferry, toll bridge, and toll grain mill, one white man to each forge, and three white men to each furnace, Certain persons exempt from military duty.

erected at any iron works in this State, who shall constantly reside and work at the same, the overseers, toll-keepers, and lock keepers of the Santee Canal, the president, cashier and clerks employed in keeping the books of the several banks of this State, the branches of the bank of the State, and the office of discount and deposite of the bank of the United States, the officers and men of the city guard of Charleston, the officers of the South-Carolina Canal and Rail Road company, as specified in the act entitled "An act concerning the South-Carolina Canal and Rail Road company," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, the superintendent and keepers of the lunatic asylum, and the several fire engine companies, the superintendent of public works, toll-collectors on the state road, and lock keepers on the state canals—the keepers of the arsenals at Charleston and Columbia, and the citadel and magazine guard in Charleston, all persons holding office under the United States, who are now exempt by law, and all persons under the age of eighteen, and over the age of forty-five years.

Uniform.

Sec. 47. *And be it further enacted by the authority aforesaid*, That from and after the eleventh day of April next, the uniform of all officers shall be the same as that prescribed in the army regulations, adopted in 1815,* except that the uniform of all officers of the line, and of under the rank of captain, shall be a plain black hat, with a white plume, common dress coat of blue broad cloth, and pantaloons of white or blue cloth, with sword and epaulette: *Provided*, That the buttons worn upon the uniform of all general, staff and field officers, shall be convex, and those worn by officers of the line shall be flat, having in all cases the palmetto emblem: *Provided*, nothing herein contained shall apply to volunteer uniform companies.

Militia laws to be published.

Sec. 48. *And be it further enacted by the authority aforesaid*, That the governor is hereby authorized to have the militia and patrol laws, and the decisions of the court thereon, properly digested and indexed at the expense of the State, and a number of copies published sufficient to furnish one to each officer; and every officer shall be required, on the vacation of his commission, to deliver over to his successor the said digest, or to pay to such successor four dollars, to be by him recovered before any magistrate, and applied by said successor to the purchase of another copy of said digest.

An act re. pealed.

Sec. 49. *And be it further enacted by the authority aforesaid*, That the act of the general assembly, entitled "An act further to alter and amend the militia laws of this State," passed on the twentieth day of December last, so far as relates to the organization of volunteers, and so far as it may be repugnant to this act, shall be repealed from and after the first day of March next.

* For these regulations, see Appendix No. 2, end of this volume.

Sec. 50. *And be it further enacted by the authority aforesaid*, That a separate mode of organization shall be adopted for the militia of the parishes of St. Philip and St. Michael, and the militia of said parishes shall be arranged as heretofore into one regiment of artillery, one squadron of cavalry, and two regiments of infantry. Separate mo for St Phil & St. Mich

Sec. 51. *And be it further enacted by the authority aforesaid*, That the organization of the artillery and cavalry of said parishes, shall be continued in precisely the same form as it now exists; and the present organization of the sixteenth and seventeenth regiments of infantry, in the said parishes of St. Philip and St. Michael, be abolished.

Sec. 52. *And be it further enacted by the authority aforesaid*, That on the tenth day of April next, the commission of each and every officer of the said parishes, except those elected or appointed under the provisions of this act, shall be, and the same is hereby vacated, and of none effect; and the brigadier-general of the fourth brigade, immediately after his election, shall appoint five commissioners to reorganize said regiments, in the manner following, to wit: the artillery and cavalry of the said parish, in the same form precisely as it now exists, in manner following, viz.: Public notice shall be given for the re-organization of the several companies and troops comprising the regiment of artillery, and the squadron of cavalry, of said parishes. Within twenty days from the date of said notice, reports shall be made to said commissioners, by the captains elect, of all such companies or troops as may be re-organized, of the effective force of their respective corps, and said commissioners are authorized and required to receive as a full company of artillery or troop of cavalry, so re-organized and reported, which shall consist of not less than thirty effective rank and file, with a proper complement of commissioned and non-commissioned officers; and the officers of the said corps shall be commissioned on the eleventh day of April next. After said reorganization of companies and troops, it shall be the duty of the said commissioners, to organize said companies and troops into one regiment of artillery, and one squadron of cavalry, in the form as at present existing, and report such organization to the brigadier-general of the brigade, who shall be authorized and required to issue the necessary orders for the election, on the eleventh day of April next, of all officers within said parishes, whose commissions shall be vacated under the provisions of this act. And the said commissioners shall also reorganize the 16th and 17th regiments of infantry. Public notice shall be given for the reorganization of volunteer corps of infantry in the said parishes: within twenty days from the date of said notice, report shall be made to the said commissioners, by the captains elect, of all such volunteer corps as may be reorganized in the said parishes, of the effective force of their respective corps; and the said commissioners are authorized and required to receive as a full corps of infantry, any volunteer corps so reorganized and reported, which

shall consist of not less than forty effective rank and file, with a proper complement of commissioned and non-commissioned officers; and the officers of the said corps shall be commissioned on the eleventh day of April next. As soon as the number of the said volunteer corps shall be ascertained, the said commissioners shall cause a census to be taken of all the male inhabitants of said parishes, not attached to the volunteer corps aforesaid, the cavalry or artillery, specifying the individual registered, and whether he be exempt or not from militia duty. After said census shall be taken, the said commissioners shall proceed to lay off the said parishes into as many beats as shall be required to make up, with the volunteer corps aforesaid, ten companies to each of the said sixteenth and seventeenth regiments. The said beats shall be divided by certain territorial boundaries and as far as may be practicable, the individuals registered in the census aforesaid, be equally distributed and classified among the several beats so laid off. After the said division and classification into beats shall have been effected, the said commissioners shall proceed to organize the whole number of volunteer and beat companies into two regiments, to be entitled, as heretofore, the sixteenth and seventeenth regiments of infantry, and report such organization to the brigadier-general of the said brigade, who shall be authorized and required to issue the necessary orders for the election, on the eleventh day of April next, of all officers within the said parishes, whose commissions shall be vacated under the provisions of this act

Sec. 53. *And be it further enacted by the authority aforesaid*, That no volunteer corps in the said parishes of St. Philip and St. Michael, shall consist of more than sixty-four rank and file, with the usual complement of commissioned and non-commissioned officers.

Sec. 54 *And be it further enacted by the authority aforesaid*, That each corps of artillery throughout the State, shall be supplied as heretofore from the State magazine, with the requisite quantity of powder and ball, for the usual parades ordered by law; and the necessary expenses incurred by said corps in providing cartridges, tubes, match-ropes, and other incidental charges, to be paid by the State; provided, the amount of said charges shall in no event exceed the sum of fifty dollars a year to each corps; and that each regiment of cavalry may be furnished with twenty pounds of powder for each regimental review, and each squadron with ten pounds for each squadron muster or review. The said powder to be subject to the order of the colonel, lieutenant-colonel, or major commanding said regiment or squadron.

Artillery corps to be furnished with powder.

Sec. 55. *And be it further enacted by the authority aforesaid*, That militia fines in the parishes of St. Philip and St. Michael, shall be collected and disbursed as provided for by this act. The governor is hereby authorized and required to cause military commissions to be prepared, and issued in proper form. It shall be the duty of the governor, to commission the major-generals,

Officers how commissioned.

and the general staff. The major-general, or officer in command of a division, shall commission the division staff, and the brigadier-general. The brigadier-general, or officer in command of a brigade, shall commission his own staff, and all the field officers of his brigade. Each colonel, or officer in command of a regiment or squadron, shall commission the company and staff of the regiment or squadron under his command.

In the Senate House, the nineteenth of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

An Act more effectually to provide for the defence of the State.

Passed 19th Dec. 1833.

Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That there shall be constantly retained in the public arsenals of this State, fit for immediate use, at least ten thousand muskets and rifles, two thousand swords, and four thousand pistols, with an adequate and proportionate quantity of accoutrements and other munitions of war; and that none of the above articles shall be issued except under the order of the commander-in-chief, and only in cases of great public exigency. Arms to be kept in the arsenals.

Sec. 2. *And be it further enacted*, That in order to supply the arsenals with the quantity and description of the articles above mentioned, the sum of fifty thousand dollars be, and the same is hereby appropriated, to be applied under the order of the governor, to the purchase of the same, at such times and in such proportions as he may think proper; *Provided*, that, unless in his opinion it shall become necessary for the safety of the State, not more than ten thousand dollars shall be expended annually. And the governor is hereby authorized and required to make the necessary regulations to insure the safe keeping of the said articles, so as to have them at all times fit for service; and that for this purpose, he cause the necessary repairs to be made, and such articles as are incapable of repair, to be sold. Appropriation of arms, &c.

Sec. 3. *And be it further enacted*, That the governor be authorised to cause an arsenal to be fitted up in the upper part of the old jail at Columbia, on a scale sufficiently extensive to receive a due proportion of said arms, and that he cause a magazine to be built in or near the said town, for which purposes the sum Arsenal and magazine to be erected.

of three thousand dollars be, and the same is hereby appropriated, and as soon as the said arsenal and magazine shall be completed, all the arms and munitions of war in the possession of the State, shall be divided, in such proportions as the governor shall direct, between the arsenals and magazines in Columbia, and those in Charleston; and all the other arsenals and magazines in the State shall be discontinued.

Sec. 4. *And be it further enacted*, That an arsenal keeper and powder receiver of the Columbia arsenal, be appointed, who shall give bond and security in the penal sum of ten thousand dollars, for the faithful performance of his duty, and who shall receive as a compensation for his services, the sum of four hundred dollars.

Salaries of the arsenal keepers

Sec. 5. *And be it further enacted*, That in consideration of the great extent and importance of the duties which will devolve on the arsenal keeper in Charleston, under the arrangement herein contemplated, the sum of seven hundred dollars be appropriated for his salary, and that said arsenal keeper shall give bond and security in the penal sum of ten thousand dollars, for the faithful performance of his duty.

Appropriation for the security of the arsenals.

Sec. 6. *And be it further enacted*, That the sum of two thousand dollars be, and the same is hereby appropriated, to enable the governor to make such arrangement for the security and protection of the arsenal and magazine in Columbia, as he may deem necessary.

Provision for the distribution of arms.

Sec. 7. *And be it further enacted*, That in order to provide for a distribution of arms, to such portions of the militia as may be authorized to receive them, under the provisions of this act, the sum of two thousand five hundred dollars, in addition to the arms which may be received from the United States, be, and the same is hereby annually appropriated and set apart, the former to be expended by the governor, in the purchase of arms and military equipments, of such descriptions and in such proportions as he may think proper, and both to be disposed of from time to time, as follows, to wit: as soon as a sufficient stock of sabres, pistols and holsters, shall be procured, each company of cavalry shall be furnished with the same, on such terms and conditions, and in such quantity, as the governor may prescribe. In like manner, each uniform company of riflemen and light infantry shall be furnished with appropriate arms. *Provided*, the proportion of cavalry, riflemen, and light infantry, shall not be greater than may be allowed by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A considerable portion of this work was printed before the passage of the following act, which will account for its not having been more frequently referred to.

An Act to amend an act entitled "An act to provide for the military organization of this State," passed on the nineteenth day of December, eighteen hundred and thirty-four; and for other purposes. Passed 17th Dec. 1834.

Sec. 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and after the passing of this act, the right of appeal from the decisions of courts-martial, shall be the same as established by law previous to the passing of the act, entitled "an act to provide for the military organization of this State," ratified on the nineteenth day of December, one thousand eight hundred and thirty-three. Appeals may be made from courts-martial.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the commissioned officers of each company, upon the application of any defaulter for militia or patrol duty, to render his excuse in writing, are hereby authorized and required to administer to such defaulter the necessary oath, and the person making the affidavit shall sign the same, and the officer administering the oath shall certify it, designating his rank in the company; and for this service he shall receive no compensation. And it shall be the duty of the captain or officer commanding the company, when he sends up the names of defaulters to courts-martial, to send up also such affidavits of excuse as have been rendered according to the provisions of this section. Officers authorised to administer oath to defaulters.

Sec. 3. *And be it further enacted by the authority aforesaid*, That every officer of the militia, hereafter to be elected or appointed, shall, before he enters upon the duties of his office, take and subscribe, before some person authorized by law to administer oaths, the following oath prescribed by the constitution, to wit: "I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL BE FAITHFUL, AND TRUE ALLEGIANCE BEAR TO THE STATE OF SOUTH-CAROLINA, SO LONG AS I MAY CONTINUE A CITIZEN THEREOF, AND THAT I AM DULY QUALIFIED, ACCORDING TO THE CON- Military oath.

STITUTION OF THIS STATE, TO EXERCISE THE OFFICE TO WHICH I HAVE BEEN APPOINTED; AND THAT I WILL, TO THE BEST OF MY ABILITIES, DISCHARGE THE DUTIES THEREOF, AND PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION OF THIS STATE, AND OF THE UNITED STATES: SO HELP ME GOD;" which oath shall be endorsed and certified upon his commission, as is provided by the twelfth section of the act aforesaid. And if any person, elected or appointed to any office in the militia of this State, shall accept the same, and shall neglect or refuse to take the oath aforesaid within sixty days after his election or appointment, he shall, for such neglect or refusal, be subject to all the penalties provided by the act aforesaid, entitled "an act to provide for the military organization of this State," for refusal or neglect to take the oath therein required.

Penalty for not taking the oath

Sec. 4. *And be it further enacted by the authority aforesaid*, That the elections or appointments of all officers, made under the provisions of the act aforesaid, are hereby declared to be valid, except where from the refusal or neglect of an officer to comply with the requisitions of the law, a new election or appointment has been made to the same office: Provided, that every officer so elected or appointed, who has not taken the oath of office and been commissioned, shall, within three months after the passing of this act, take the oath prescribed by the third section of this act.

Election under foregoing act valid.

Exceptions.

Sec. 5. *And be it further enacted by the authority aforesaid.* That every officer of the militia, (except such as are exempt by law) shall, within three months after his election or appointment, uniform himself according to law; and in case any officer shall appear on parade, or at any court-martial (of which he may be a member) without such uniform, after the time above specified, he shall be fined in a sum of not less than five, nor more than fifty dollars, to be imposed by court-martial, authorized to try officers of his grade.

Time prescribed for officers to uniform themselves, and penalty.

Sec. 6. *And be it further enacted by the authority aforesaid*, That in addition to the volunteer companies now allowed by law in the several regiments, there may be raised in each regiment, two companies of riflemen or light infantry, as is provided by the act aforesaid, entitled "an act to provide for the military organization of this State;" Provided, that not more than two volunteer companies of riflemen or light infantry shall be raised in each battalion.

Additional volunteer corps allowed to be raised.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the governor is hereby authorized to require all the arms belonging to the State, not in the possession of some regularly organized company of militia, to be collected; and such as are fit for use, may be re-issued to any volunteer company applying for the same, and those unfit for use, shall be returned to the ar-

Arms to be collected and repaired.

senal, either in Columbia or Charleston, and repaired or disposed of according to law.

Beat companies allowed to be raised on Wadmalaw, John's Island, &c.

Sec. 8. *And be it further enacted by the authority aforesaid*, That the citizens of James' Island and of Wadmalaw and John's Island, conjointly, of Edisto Island and of Port Royal and Lady's Islands, conjointly, of St. Helena Island, and of Hilton Head and Dawfuskie Islands, conjointly, are hereby authorized to form beat companies within their respective limits, without regard to numerical force, and shall be attached to their respective regiments, and shall conform to the law in other particulars.

9th brigade of fifth division to be divided into six regiments.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the major-general of the fifth division shall, within two months from the adjournment of the legislature, cause the ninth brigade of said division to be divided into six regiments, as nearly equal in numbers as may be, in the following manner, to wit:— The district of York shall be divided into two regiments, and the districts of Spartanburg and Union, into four regiments: and when the said brigade shall be so divided, the regiments embracing a portion of the lower end of Spartanburg, and the upper end of Union districts, situate on the Enoree river, shall be attached to, and form a part of the tenth brigade,

Rank of brigades to be determined by lot

Sec. 10. *And be it further enacted by the authority aforesaid*, That four of the regiments composing the said brigade, shall retain the rank now held by the four regiments in said brigade, to be determined by lot: the rank of the fifth regiment of said brigade, and the regiment attached to the tenth brigade, shall also be determined by lot—and they shall be denominated accordingly.

Commissioners appointed for the purpose

Sec. 11. *And be it further enacted by the authority aforesaid*, That to effect the above organization, the major-general shall have power to appoint five or more commissioners in each district, (a majority of whom shall be a quorum to perform their duties) who shall proceed to divide said brigade according to the provisions of this act, and report the same to the major-general, within the time above specified, designating the boundaries and lines of each regiment; and if either of said commissioners shall wilfully neglect or refuse to perform the duty hereby assigned, he shall, upon indictment and conviction thereof, be fined not less than one hundred dollars. Within fifteen days after the report of the commissioners is received, the major-general shall issue an order, defining the boundaries and rank of each regiment, and shall furnish the brigadier-general of each brigade, with a copy of such order, and also the adjutant and inspector-general of the State with a copy of the same, to be recorded in his office.

Regiments to be divided into two battalions, each battalion into 4 beat companies.

Sec. 12. *And be it further enacted by the authority aforesaid*, That each brigadier-general, upon receiving the order of the major-general, defining the boundaries of the regiments attached to his brigade, shall forthwith cause each regiment to be divided into two battalions, and each battalion into four beat companies, as nearly equal as may be in respect to numbers and territory; to

effect which, he shall appoint commissioners, five or more in number, receive their report, issue his order defining the boundaries and lines of the battalions and companies, and cause the same to be recorded as is provided by the fourth and fifth sections of the act aforesaid, entitled "an act to provide for the military organization of this State:" and each commissioner appointed by the brigadier-general, shall, for wilful neglect or refusal to perform the duty assigned him, be subject to the penalty provided for like offence by the act aforesaid; and the said commissioners shall complete the duties herein assigned them, within two months from the date of the order of the brigadier-general.

20th regiment divided into two regiments.

Sec. 13. *And be it further enacted by the authority aforesaid*, That the regiment of militia in the district of Sumter, known as the 20th regiment of South-Carolina militia, be, and the same is hereby required to be so divided as to form two regiments, as equal in strength as practicable.

Regiments into battalions, battalions into beats.

Sec. 14. *And be it further enacted by the authority aforesaid*, That the brigadier-general commanding the brigade, in which the said 20th regiment is included, shall forthwith cause the said regiment to be divided into two regiments, each of the two regiments into two battalions, and each of the said battalions into four beat companies, as nearly equal as may be, in respect to numbers and territory, to effect which, he shall appoint commissioners, five or more in number, receive their report, issue his order defining the boundaries and lines of the said regiments, battalions and companies, and cause the same to be recorded as is provided by the fourth and fifth sections of the act aforesaid, "to provide for the military organization of this State." And each commissioner appointed by the brigadier-general, shall, for wilful neglect or refusal to perform the duty assigned him, be subject to the penalty provided for the like offence by the act aforesaid. And the said commissioners shall complete the duties herein assigned them, within two months from the date of the order of the brigadier-general.

Officers to retain their rank and command.

Sec. 15. *And be it further enacted by the authority aforesaid*, That each officer in commission, when the organization of the brigade is completed as is provided by this act, in any regiment, battalion or company, shall retain his rank and command, except where two or more officers of the same rank shall ride within the limits of the same command, in which case an election shall be ordered by the proper authority, for such officer or officers—and if either of the persons so in commission shall be elected to the same office, held by him before, he shall retain his commission, and take rank from the date thereof.

Exceptions.

Elections to be ordered to fill vacancies.

Sec. 16. *And be it further enacted by the authority aforesaid*, That if, by this organization, the offices of colonel, lieutenant-colonel, major, captain or other subaltern officers, in any regiment, battalion or company, shall be vacant, elections shall be *forthwith* ordered, (as is now provided by law) to fill such vacancy or vacancies.

Same number of volunteer corps may be raised and attached to each of said regiments or battalions.

Sec. 17. *And be it further enacted by the authority aforesaid,* That the same number and description of volunteer companies, permitted by law to be raised in the regiments or battalions of infantry, may be organized and attached to each of the said regiments or battalions.

Certain fines repealed.

Sec. 18. *And be it further enacted by the authority aforesaid,* That the proviso contained in the thirty-ninth section of the act aforesaid, entitled "an act to provide for the military organization of this State," limiting the fines to be imposed on non-commissioned officers or privates, for non-attendance at a company muster, to twenty dollars, be and the same is hereby repealed.

Others established.

And in lieu of the fine heretofore imposed for non-attendance at company musters, the fine shall be two dollars, and twenty per cent. on the last general tax of the defaulter.

Recruiting limits confined to brigades.

Sec. 19. *And be it further enacted by the authority aforesaid,* That the recruiting limits of volunteer companies, shall not hereafter be confined to the boundaries of the regiments to which they are attached respectively, but may extend to the boundaries of the brigades to which they belong, and not beyond those.

Form of military buttons.

Sec. 20. *And be it further enacted by the authority aforesaid,* That the buttons worn upon the uniform of all general, staff, and field officers, shall be convex, and those worn by officers of the line, shall be flat—having in all cases the palmetto crest, the emblem of the State. But nothing herein contained shall apply to the officers of uniform companies.

Courts-martial on fire-guard.

Sec. 21. *And be it further enacted by the authority aforesaid,* That courts-martial shall be hereafter held upon all defaulters, at the several parades now authorized by law, to mount and relieve guard, and in case of alarm of fire, in the parishes of St. Philip and St. Michael, according to the provisions of the act, entitled "an act to provide for the military organization of this State," passed on the 19th December, 1833, with the right of appeal, as provided for in the first section of this act.

Right of appeal

Repealing clause.

Sec. 22. *And be it further enacted by the authority aforesaid,* That all acts and parts of acts contrary to the provisions of this act, be and the same are hereby repealed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Independence of the United States of America.

HENRY DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

APPENDIX.

REPORT *of 18th December, 1819, fixing the DIVISIONS and BRIGADES, according to the Act of 21st December, 1814.*

(Vide ante page 83.)

The committee on the part of the senate, who were ordered to join a committee from the house of representatives to ascertain the rank of the several brigades and regiments within this State, agreeably to an act passed on the 21st Dec. 1814, respectfully *Report*, that they have, according to the provisions of said act, proceeded to ascertain and fix the rank of the several brigades and regiments within this State, which are as follows:

The First Division,* commanded by major-general Butler, consists of the 1st brigade, (late known as the 4th brigade) commanded by general McDaniel, and which brigade consists of the 1st regiment, (late 17th regiment) commanded by col. Hodge, the second regiment, (late 18th) commanded by col. Perry, the 3d regiment, (late 15th) commanded by col. Walker, the 4th regiment, (late 16th) commanded by col. McMillan, the 5th regiment, (late 19th) commanded by col. Flemming; the 2d brigade, (late the 1st) commanded by general Hutton, which brigade consists of the 6th regiment, (late 1st) commanded by col. Lomax, the 7th regiment, (late 5th) commanded by col. Glasscock, the 8th regiment, (late 3d) commanded by col. Scott, the 9th regiment, (late 2d) commanded by col. Blocker, the 10th regiment, (late 4th) commanded by col. Chappel.

The Second Division,† commanded by major-general Youngblood, consists of the 3d brigade, (late 5th) commanded by gen-

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* Comprehending the districts of Edgefield. Abbeville, Pendleton and Greenville—now commanded by major-general George M'Duffie.

† Comprehending the districts of Barnwell. Beaufort. Colleton, Charleston, Orangeburgh and Lexington, (except the Dutch Fork between Broad and Saluda rivers) now commanded by major-general Robert Y. Hayne.

eral Oswald, and which brigade consists of the 11th regiment, (late 23d) commanded by col. Hay, the 12th regiment, (late 20th) commanded by col. Lawton, the 13th regiment, (late 24th) commanded by col. Thompson, the 14th regiment, (late 22d) commanded by col. Lehre, the 15th regiment, (late 21st) commanded by col. Bates; the 4th brigade, commanded by general Geddes, (late 7th brigade) consists of the 16th regiment, (late 28th) commanded by col. Cross, the 17th regiment, (late 29th) commanded by col. Hayne, the 18th regiment, (late 31st) commanded by col. Mallard, the 19th regiment, (late 30th) commanded by col. Pinckney.

The Third Division,* commanded by major-general Strother, consists of the 5th brigade, (late 8th) commanded by general Blair, and which brigade consists of the 20th regiment, (late 32d) commanded by col. Capers, the 21st regiment, (late 34th) commanded by col. Witherspoon, the 22d regiment, (late 35th) commanded by col. English, the 23d regiment, (late 33d) commanded by col. Kinsler; the 6th brigade, commanded by general Bradley, (late 10th) and which brigade consists of the 24th regiment, (late 41st) commanded by col. Davis, the 25th regiment, (late 36th) commanded by col. McCreight, the 26th regiment, (late 11th) commanded by col. Bradley, the 27th regiment, (late 40th) commanded by col. Cherry.

The Fourth Division,† commanded by major-general Williams, consists of the 7th brigade, (late 9th) commanded by general McIver, and which brigade consists of the 28th regiment, (late 39th) commanded by col. Lowry, the 29th regiment, (late 38th) commanded by col. Rogers, the 30th regiment, (late 37th) commanded by col. Irvine; the 8th brigade, (late 6th) commanded by general Godbold, consisting of the 31st regiment, (late 26th) commanded by col. Saltar, the 32d regiment, (late 27th) commanded by col. Bingham, the 33d regiment, (late 25th) commanded by col. Grice.

The Fifth Division,‡ commanded by major-general Tucker, consists of the ninth brigade, (late 3d) commanded by general Dawkins, and which brigade consists of the 34th regiment, (late 13th) commanded by col. Thomas, the 35th regiment, (late 10th)

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* Comprehending the districts of Richland, Sumter, Kershaw, Lancaster, Chester and Fairfield—now commanded by major-general John Buchanan.

† Comprehending the districts of Georgetown, Williamsburgh, Horry, Marion, Marlborough, Chesterfield and Darlington—now commanded by major-general Robert B. Campbell.

‡ Comprehending the districts of Union, York, Spartanburgh, Newberry and Laurens, including the Dutch Fork, between Broad and Saluda rivers—now commanded by major-general Thomas F. Jones.

commanded by col. Collins, the 36th regiment, (late 12th) commanded by col. Duff, the 37th regiment, (late 14th) commanded by col. Brenan; the 10th brigade, commanded by general Wright, (late 2d) which brigade consists of the 38th regiment, (late 6th) commanded by col. Griffin, the 39th regiment, (late 8th) commanded by col. O'Neal, the 40th regiment, (late 9th) commanded by col. Richardson, the 41st regiment, (late 7th) commanded by col. Adair.

Note A, referred to in page 51.

Second section of the "act for the better establishing and regulating of patrols in this province," passed the 17th June, 1746.—*Grimke's P. L.* 206.

Militia officers to keep special patrol lists. Masters to accoutre their servants. The nearest set of inhabitants to do duty together, and a penalty on such as shall not appear to do the patrol duty.

2. And forasmuch as all persons, as well women as men, who are or shall be owners of settled plantations in any district, ought to contribute to the service and security of that district where their interest lies, whether such persons be residing there or not: *Be it therefore enacted*, That the captains of each company of foot militia, shall, in their several districts, make out and keep, from time to time, a special patrol list for every subdivided and distinct patrol district, in which shall be inserted the names of all owners of settled plantations lying therein, as well women as men, except on such plantations belonging to women, where there shall be an overseer to perform the patrol service, and as well alarmmen as others, whether they reside there or not, as also the names of all the white male persons there inhabiting. *Provided*, That the masters of all overseers, and white male servants, who by this act are obliged to do patrol service, shall be obliged to furnish their said overseers and servants with a horse and furniture for such service. *Provided also*, That every person having settled plantations in this province, on which white overseers shall be severally and constantly employed, shall not be subject or obliged to do patrol service in those districts where such plantations lie, on which white overseers are employed as aforesaid, other than in such in which he shall actually reside; and which persons, male and female, whose names shall be so enlisted, except such infirm persons as shall be by the captain and one of his officers deemed unable to pay for the hire of a person to perform patrol duty, shall be answerable for the patrol service of that district, severally, successively, and in turns. *And on every muster-day, the said captains, or other commanders of the foot militia, shall, out of every such patrol list, prick off the names of so many persons, as well women as men, and absentees owners of plantations there, as well as residents*, except as before excepted, all the male persons of which lists, severally and respectively, whose names shall be so pricked off, shall by themselves, or others em-

ployed and provided for that purpose, severally and respectively ride patrol, and do the service hereinafter directed, from that muster-day, till the next ensuing muster-day, when another patrol shall be pricked off, in the like manner, by equal turns, and so on time after time, on every ensuing muster-day, regularly, equally and successively, always choosing the nearest set of inhabitants mentioned in the general patrol list, to do duty together, that they may meet and assemble with the most convenience and expedition. And if any man or woman, (excepting such women who have not 10 slaves, and excepting as before excepted) owner of a settled plantation in any district, shall fail of having a sufficient person ready to perform the patrol service on his, her or their behalf, when thereunto required, or shall refuse to perform patrol service, every such person shall forfeit and pay the sum of 30 shillings current money a night, to be recovered and applied as is hereinafter mentioned.

Referred to in page 92.

GENERAL ORDERS.

Head Quarters, Centre Hall, May 20th, 1816.

Extract from an "act for the organization of the staff of the militia of South-Carolina, and for other purposes therein mentioned."

Sec. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the governor and commander-in-chief, and he is hereby authorized to prepare general regulations, better defining and prescribing the respective duties and powers of the several officers before mentioned, which shall be respected and obeyed, until altered and revoked by the same authority, and the said general regulations shall be laid before the legislature at their next meeting.

In obedience to the provisions of the act from which the above extract is taken, the commander-in-chief orders, that the following general regulations be observed by officers on the staff of the State, and enforced by all superior officers thereof.

Adjutant and Inspector-General.

Adjutant and inspector-general.

The provisions which have been enacted by the legislature, prescribing the duties of the adjutant-general, will be obeyed, so far as they are applicable, by the adjutant and inspector-general. In addition to these, his appropriate duties embrace instruction of the troops, comprehending their arrangement for battle, distribution of orders, returns of the militia, generally, correspondence in relation to military affairs, and when in the field, general details of service of every description. He is to be considered as attached to the suite of the commander-in-chief, not subject to

the orders of any other, and will be obeyed by all the officers of the adjutant-general, and of the inspector-general's department. Orders signed by him, "by order of the commander-in-chief," will be obeyed by all the military, whether of the line, or on the staff.

Division or Deputy Adjutant-General.

Deputy adjutant-general.

His duties are to be inferred from those prescribed for the chief of his department. He is of the suite of the major-general, commanding the division to which he has been appointed, and will be subject to his orders, not contravening those of the commander-in-chief.

Division or Deputy Inspector-General. Brigade or Assistant Deputy Inspector-General.

Deputy inspector-general.

In addition to those duties which result, the former from being attached to the suite of the major-general, and the latter to the brigadier-general, and obeying, respectively, the orders of each, not contravening those of the commander-in-chief, they are charged with mustering and inspecting of troops, their arms and equipments, superintending the police of the camp and of the march, selecting places of encampment, and laying out the same, posting guards, and examining prisoners and deserters.

Quarter-Master General.

Quarter-master-general.

His duties comprise quartering and transporting troops, and their provisions; safe keeping and transporting military materials; superintendence of arsenals, magazines, barracks, and forage in depot; opening roads; building and repairing bridges for military purposes. He is attached to the suite of the commander-in-chief, subject only to his orders, and will be obeyed by all officers of his department accordingly.

Division or Deputy Quarter-Master General. Brigade or Assistant Deputy Quarter-Master General.

Deputy quarter-master general.

The duties prescribed to the quarter-master general, fix those of his deputies. They will obey his orders touching the duties of the department. They are attached, the former to the suite of the major-general, and the latter to the brigadier-general, and will receive the orders of each respectively.

Brigade Major.

Brigade-major

The duties which have heretofore been performed by this officer, were sometimes such as do not properly belong to him, and have been required of him principally, because the proper officers had not then been authorized by law. He is therefore exempted from such as are prescribed for other officers on the staff. His appropriate duties are to the brigade, what those of the adjutant are to the regiment, and are sufficiently established by usage. He is attached to the suite of the brigadier-general commanding the brigade to which he has been appointed, and will obey his orders.

Commissary General of Purchases.

Commissary-general of purchases.

Charged with purchasing all military materials, munitions of war, medicine and surgical instruments. He is attached to the suite of the commander-in-chief, and is subject only to his orders.

Commissary General of Issues.

Commissary-general of issues.

Intrusted with purchasing, and procuring otherwise, subsistence, fuel, forage, and straw for bedding; all which are to be delivered over to the quarter-master general, under such regulations as may be prescribed. He is attached to the suite of the commander-in-chief, and will obey only his orders.

Paymaster-General.

Pay-master general.

Intrusted with the pay of the militia. Attached to the suite of the commander-in-chief, and subject only to his orders.

Physician and Surgeon-General.

Physician and surgeon-general.

Charged with the government of hospitals, and regulating the duties of surgeons and surgeons mates. Attached to the suite of the commander-in-chief, and subject only to his orders.

Apothecary-General.

Apothecary-general.

Charged with receiving from the commissary-general of purchases, and distributing medicine and surgical instruments. He will receive his orders through the physician and surgeon-general, and obey him.

Suites of major and brigadier-generals.

Officers attached to the suites of major-generals and brigadier-generals, are required to attend the reviews and exercise of their respective regiments, brigades, divisions and brigade encampments. They are subject to, and required to conform to the rules and usages of military life; they may be arrested for offences against these, or inability to perform the duties required of them. They shall be tried by courts-martial, composed of officers of the line, and on the staff, or of the latter wholly; in every case, there shall be on the court not less than two officers of equal rank to the officer to be tried.

Judge Advocate General. Brigade Judge Advocate General.

Judge advocate general.

The former is attached to the suite of the commander-in-chief, and is subject only to his orders; the latter will obey the orders of the chief of the department, the major-general of his division, and the brigadier-general of his brigade. They are to be employed on courts-martial, for the trial of persons, other than defaulters from musters, established by law, and where special fines are imposed by law. They are not required to attend on other military occasions, except when specially ordered.

Brigade judge advocate gen.

The rules and regulations for the government of the staff of the United States army, dated "War Office, May 2d, 1814," and published with the army register for 1815, will determine the

manner of executing these duties. Between the rules and regulations for the staff of the army of the United States, and that of the State, there should be no discrepancy. Those which have been published by the department of war, have resulted from the labours of the highest military authority in the nation, and having been corrected by practice, will govern within this State:

By order of the commander-in-chief,
JOHN B. EARLE, *Adjutant and Inspector-General.*

N. B. There shall be no precedence among the departments. Contests concerning rank, which arise from the sameness of dates in commissions, shall be settled by lot.

Officers of the line may hold commissions on the staff, but no staff officer shall hold two staff appointments at the same time.

Act and Clauses of Acts incorporating the several Towns and Villages in this State, referred to in page 104.

An Act to transfer to the town council of Camden, the power and duty of organizing, detailing and enforcing the performance of patrol duty in that place.

Passed 18th Dec. 1818.

Sec. 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same,* That from and after the passing of this act, the power and duty of organizing, detailing and enforcing the performance of patrol in the beat company or other companies in the town of Camden, be, and the same is hereby transferred to the town council of the said town.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the members of the said town council shall be subject to the same penalties for neglect of patrol duty, that the captains of beat companies are now subject to by law.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*
PATRICK NOBLE, *Speaker of the House of Representatives.*

Extract from an Act, giving to the town council of Camden, the power of regulating the performance of patrol duty, and for other purposes therein mentioned.

Passed 18th Dec. 18[illegible]9.

"Sec. 1. *Be it enacted,* That the town council of Camden, shall hereafter have power, by ordinance or ordinances, to regulate the performance of patrol duty in said town—and for the purpose of carrying their ordinances into effect, may affix penal-

ties to the same, not exceeding twenty dollars, for any one offence, to be recovered by summons from, and returnable before said town council—and that the said town council have power to receive a pecuniary commutation in lieu of personal service for the performance of patrol duty, the same to be regulated by ordinance."

Extract from an Act incorporating the village of Moultrieville, passed 14th Dec. 1819.

"Sec. 1. *Be it therefo- enacted by the honorable the Senate and House of Represent- ves, now met and sitting in general assembly, and by the aut- rity of the same*, That it shall be lawful for the intendant and wardens of Moultrieville, on Sullivan's Island, to provide, by ordinance under their corporate seal, for the performance of patrol duty on the said island, by the whole of the inhabitants of the said island, including as well the owners of houses who reside there, or whose families reside there, as also those who hire houses, or keep lodging houses, public houses or stores; and all persons lodging or residing therein, who are capable of performing patrol duty; prescribing also by ordinance into how many squads or patrol companies the inhabitants shall be divided, how often they shall ride patrol, and the penalties to be imposed on defaulters, and the mode of recovering and appropriating such penalties, together with all other matters necessary for organizing and regulating patrols, according to the circumstances of the island: *Provided*, that the patrols shall not be vested with any higher or greater powers than patrols now possess under the laws of the State; and that no penalties be prescribed for any default in riding patrol, exceeding five dollars for each default, and no reference to a percentage on the general tax." Patrol duty to be performed.

Extract from an Act incorporating the town of Columbia, passed 20th Dec. 1823.

"Sec. 1. *Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same*, That from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty-four, the power and duty of organizing, regulating and superintending the patrol within the limits of the town of Columbia, be, and the same are hereby transferred to, vested in, and devolved upon the Intendant and Wardens of said town, who are hereby vested with full power to make all such ordinances relative to the time and manner of performing patrol duty within the limits of the said town, as may be necessary to preserve the peace, good order, and safety of the inhabitants thereof."

Extract from an Act incorporating the village of Yorkville, passed 18th Dec. 1824.

Patrol duty to be performed.

"Sec. 31. *And be it further enacted by the authority aforesaid*, That the said commissioners shall have power, and it shall be their duty to cause patrol duty to be performed by the inhabitants of the said village, and within the above prescribed limits, by those who are now liable by law to perform patrol duty within the same; and to inflict the same fines and penalties for refusal or neglect, as are now imposed by law; and the said inhabitants are hereby exempt from the performance of patrol duty beyond the said above prescribed limits."

Extract from an Act incorporating the town of Beaufort, passed 20th Dec. 1825.

Corporation of Beaufort to regulate the patrol.

"Sec. 23. *And be it further enacted by the authority aforesaid*, That from and after the first day of January, one thousand eight hundred and twenty-six, the power and duty of regulating and superintending the patrol within the limits of the town of Beaufort, be, and the same are hereby vested in and devolved upon the Intendant and Wardens of said town, who are hereby vested with full powers to make all such ordinances relative to the times and manner of performing patrol duty within the limits of the said town, as may be necessary to preserve the peace, good order and safety of the same."

Extract from an Act incorporating the village of Walterborough, passed 20th Dec. 1826.

May remove and abate nuisances, and regulate the patrol.

"Sec. 5. *And be it further enacted by the authority aforesaid*, That the said intendant and Wardens shall have full power to abate and remove nuisances in said limits, and to classify and *arrange the inhabitants liable to do patrol duty*, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now established by law."

Extract from an Act incorporating the village of Barnwell, passed 18th Dec. 1829.

"Sec. 5. *And be it further enacted by the authority aforesaid*, That the said Intendant and Wardens shall have full power to abate and remove nuisances within the said limits, and to classify and *arrange the inhabitants liable to do patrol duty*, and to require *them* to perform such duty as often as occasion may require, and

to enforce the performance thereof, under the same penalties as are now, or may hereafter be established by law."

Extract from an Act incorporating the village of Lancaster, passed 18th Dec. 1830.

"Sec. 5. *And be it further enacted by the authority aforesaid*, That the said commissioners are hereby empowered to pass and enforce all such ordinances as are necessary for the health, quiet and good order of said village, for the regulation of the streets, roads and markets, *and the performance of patrol duty* within the limits of said village, to lay and collect fines for transgressing any of said ordinances, and for the neglect of patrol duty according to the laws now in force: *Provided*, no ordinance shall be valid which is repugnant to the laws of the land; and no fine above the sum of twenty dollars shall be collected, except by suit in the court of Common Pleas."

Powers and duties of said commissioners

Extract from an Act incorporating the village of Edgefield, passed 18th Dec. 1830.

"Sec. 5. *And be it further enacted*, That the said Intendant and Wardens shall have power to abate and remove nuisances within the said limits, and to *classify and arrange the inhabitants liable to do patrol duty*, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may be hereafter established by law."

Nuisances to be abated, and patrol duty to be performed.

Extract from an Act incorporating the village of Orangeburgh, passed 17th Dec. 1831.

"Sec. 5. *And be it further enacted by the authority aforesaid*, That the said Intendant and Wardens shall have power to abate and remove nuisances within the said limits, and to classify and *arrange the inhabitants liable to do patrol duty*, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may hereafter be established by law."

Extract from an Act incorporating the village of Spartanburgh, passed 17th Dec. 1831.

"Sec. 5. *And be it further enacted by the authority aforesaid*, That the said Intendant and Wardens shall have power to abate

and remove nuisances within the said limits, and to classify and *arrange the inhabitants liable to do patrol duty*, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may hereafter be established by law."

Extract from an Act incorporating the village of Greenville, passed 17th Dec. 1831.

"Sec. 5. *And be it further enacted by the authority aforesaid*, That the said Intendant and Wardens shall have power to abate and remove nuisances within the said limits, and to classify and *arrange the inhabitants liable to do patrol duty*, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may hereafter be established by law."

Extract from an Act incorporating the village of Abbeville, passed 20th Dec. 1832.

Regulating patrol.

"Sec. 5. *And be it further enacted by the authority aforesaid*, That the power and duty of organizing, superintending and regulating the patrol in the said village, are transferred to the said council, and it is for that purpose vested with the powers in that respect, exercised by a captain of a beat company and a court-martial, and severally and collectively the members of the said council, made subject to like penalties for neglect of duty: And the said council is further empowered by suitable ordinances, to direct the time and manner of performing patrol duty, within the limits aforesaid, and by additional fines to enforce the performance thereof: Provided, that no ordinance shall diminish the quantity of duty by law required from any person."

Extract from an Act incorporating the village of Pendleton, passed 20th Dec. 1832.

Power to remove nuisances, and regulate patrol.

"Sec. 5. *And be it further enacted*, That the said Intendant and Wardens shall have power to abate and remove nuisances within the said limits, and to *classify and arrange the inhabitants liable to do patrol duty*, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may be hereafter established by law."

Extract from an Act incorporating the village of Newberry, passed 20th Dec. 1832.

"Sec. 6. *And be it further enacted*, That the said Intendant and Wardens shall have power to *classify and arrange the inhabitants residing in said limits, liable to do patrol duty*, and to require them to perform such duty, as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may be hereafter established by law."

Extract from an Act incorporating the village of Winnsborough, passed 18th Dec. 1832.

"Sec. 5. *And be it further enacted*, That the said council shall have power to abate and remove nuisances within the said limits of said town; and also to *classify and arrange the inhabitants liable to do patrol duty*, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may hereafter be established by law."

Extract from an Act incorporating the village of Anderson, passed 20th Dec. 1833.

"Sec. 4. *And be it further enacted by the authority aforesaid*, That the power and duty of organizing, superintending and regulating the patrol within said limits, are transferred to said council, and it is vested with the powers in that respect exercised by a captain of a beat company and a court-martial, and severally and collectively the members of said council are made subject to like penalties for neglect of duty. And the said council is further empowered by suitable ordinances to direct the time and manner of performing patrol duty within the limits aforesaid, and by additional fines to enforce the performance thereof: *Provided*, that no ordinance shall diminish the quantity of duty by law required from any person." Patrol

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Appendix No. 2, referred to in page 150.

UNIFORM OF THE UNITED STATES' ARMY.

Regulations of the War Department, relative to the uniform of the army, as approved by the President, 28th June, 1814.*

Changes in the Uniform of the Army of the United States,

The coat of the infantry and artillery shall be uniformbly blue, no red collars or cuffs; and no lace shall be worn by any grade excepting in epaulettes and sword knots.

* See A A. 13th Dec. 1815, sec. 7—ante p. 92.

All officers will wear coats of the length of those worn by field officers; all the rank and file will wear coatees. The button holes of these will be trimmed with tape on the collar only. Leather caps will be substituted for felt, and worsted or cotton pompons for feathers.

General officers and others of the general staff, not otherwise directed, shall wear cocked hats without feathers, gilt bullet buttons, and button holes in the herring-bone form.

The epaulettes of major-generals will have on the gold ground of each strap, two silver stars.

The epaulettes of brigadiers will have on each strap one star.

The uniform of the physician and surgeon, and apothecary-generals, and hospital surgeons and mates, shall be black, the coats with standing collars, and on each side of the collar, a star of embroidery, within half an inch of the front edge.

The rules with respect to undress are dispensed with, excepting that cockades must always be worn.

Of the General Staff.

General staff.

The Coat—Single breasted, with 10 buttons, and button holes worked with blue twist, in front, 5 inches long at the top, and 3 at the bottom. The standing collar to raise to the tip of the ear, which will determine its width. The cuffs not less than three and a half, nor more than 4 inches wide. The skirts faced with blue, the bottom of each not more than 7, nor less than three and a half inches wide; the length to reach to the bend of the knee. The bottom of the breast and two hip buttons to range.

1. On the collar, one blind hole 5 inches long, with a button on each side.

2. The blind holes on each side of the front, in the herring-bone form, to be in the same direction with the collar, from the top to the bottom.

3. Blind holes, (in the like form) to proceed from 4 buttons, placed lengthwise, on each skirt. A gilt star on the centre of the bottom, 2 inches from the edge.

4. The cuffs to be indented within 1½ inch of the edge, with 4 buttons lengthwise on each sleeve, and holes to the three upper buttons, corresponding with the indention of the cuff, on the centre of which is to be inserted the lower button.

5. All general officers will be permitted to embroider the button holes. The commissary-general of ordnance, the adjutant, inspectors and quarter-masters general, and the commissary-general of purchases, will be permitted to embroider the button holes of the collar only.

Vest, breeches and pantaloons—White, (or buff for general officers)—blue pantaloons may be worn in the winter, and nankeen in the summer. Vests single breasted without pocket flaps.

1. Breeches, or pantaloons, with 4 buttons on the knees, and gilt knee buckles.

2. High military boots and gilt spurs.

Black Stock—of leather or silk.

Chapeaus—of the following form: the fan not less than 6½ nor more than 9 inches high in the rear, nor less than 15 nor more than 17½ inches from point to point, bound round the edge with black binding, ½ inch wide.

1. Button and loop, black.

2. Cockade, the same, 4½ inches diameter, with a gold eagle in the centre.

Swords—Yellow mounted, with black or yellow gripe. For the officers of the adjutant, inspector, and quarter-master general's departments, sabres; for all others, straight swords.

Waist Belts—of black leather. No sashes.

Epaulettes—of gold; according to rank.

Note—Officers of the corps of engineers will wear the uniform already established for that corps.

The dress of the hospital staff will conform as to fashion, to the uniform of the staff, except that they will wear pocket flaps, and buttons placed across the cuffs, four to each, and covered buttons in all instances, of the colour of the coat (black.)

Officers of the line, appointed to a staff station, which confers no additional rank, will wear the uniform of their rank in the line, with high boots and spurs.

Of the Artillery.

Coat—of the same general description with that of the staff: and Artillery.

1. Pocket flaps, cross indented below, not less than 2½ nor more than 3 inches wide, with 4 buttons and blind holes; 2 buttons at the opening of the pocket of each skirt; and a diamond of blue cloth, ornamented 1½ inch on each side, the centre two inches from the bottom of the coat.

2. The blind holes on either side of the front, with the coat buttoned close to the collar, accurately to form lines with the corresponding ones opposite, from the top to the bottom, i. e. not to represent herring-bone.

3. The cuffs with four blind holes, extending from four buttons placed across on each.

4. Two blind holes on the collar, 5 inches long, with two buttons on each side.

5. Gilt buttons of the size and insignia furnished the commissary general of purchases from the war department.

Vests, breeches and pantaloons—for the field and staff, the same as those described for the general staff; and vests and pantaloons, for the officers of the line, the same, except the 1st and 2d particular articles.

Stocks and Chapeaus—of the same general description with those of the general staff.

1. Button and loop of the chapeau, yellow.

2. Black cockade of leather, 4½ inches diameter, with a gold

eagle in the centre. A white feather to rise 8 inches; that of the adjutant, white and red.

Swords—cut and thrust, yellow mounted; with a black or yellow gripe.

Waist Belts—of white leather.

Sashes—to be worn only on a tour of duty, and round the waist.

Epaulettes—of gold, (bullion and strap) according to rank. The adjutant, quarter-master and paymaster, to wear a counter-strap on the opposite shoulder.

The surgeons and mates, to include garrison surgeons and mates, will wear the same uniform, except the cape, which is of black velvet; the plume black.

Light dragoons

Of the Light Dragoons.

Undress.

Undress Coat—Blue cloth, single breasted, with one row of ten plated bullet buttons in front—notched twist holes on each breast, from three and a half to four inches at the bottom, and from seven to eight at the top, to fill the breast so as nearly to touch the s'ye—the length of the waist not to extend below the hips, the skirt to the bend of the knee, soldier's back with two notched holes across each, the skirt and sleeve, herring-bone, with four notched holes and buttons on each, the holes making an angle of about eighty-five degrees, the top of them to range with the hip buttons and bottom of the breast—turnbacks of blue cloth united at the bottom by a silver embroidered double fleur-de-luce, the skirts four and a half inches wide at the bottom, stand up collar worked with silver braid.

Pantaloons—Worked on the fall with silk braid, two rows down the side seams continued round the seat.

Full dress.

Full Dress.—Hussar jacket, single breasted, with three rows of plated bullet buttons, holes in each breast one inch apart, worked with blue silk braid five and a half inches long at the bottom, the top to touch the s'ye, the front terminating at the bottom; the skirt behind, three inches deep, with double plate in each fold, and on the centre of the back, at the bottom made with the braid that continues round the edges, one above each hip button, the braid to continue up the side seams. The waist not to reach below the hips; and no back seam. Pocket welts from each end the same as the front end of the button hole or collar. The collar the same as the undress coat, both worked with silver braid. The sleeve worked with silk braid.

Vest—of white cassimere or jean, single breasted.

Pantaloons—White cassimere er buckskin for parade; dark blue cloth for service.

Boots—Dragoon, with tops to cover the knees.

Stock—Black leather—black silk for the officers, without shewing the shirt collar or knot.

Spurs—White.

Helmet—According to pattern, blue feather with white top, feather nine inches long.

Buttons—Plated bullet buttons.

Epaulette—Silver.

Adjutant—Epaulette of his grade, white plume with blue top.

Quarter-Master—Green plume.

Pay-Master—Epaulette of his grade, blue plume with red top.

Surgeon—The undress uniform, with black cape and cuff.

Cloak—Hussar with sleeves, cape eight inches wide.

Saddle—Plain; plated pummel and cantle.

Housings of Field Officers—Blue cloth bordered with a double row of silver lace. Housings.

Troop Officers—One row of silver lace with three bars of lace placed diagonally from the corner of the housings, for captains—one row of silver lace, with two bars for the lieutenants—one row of silver lace, with one bar for the cornets.

Staff—According to their grade.

Medical Staff—One row of lace.

Holsters—Bearskin, double flaps.

Bridle, Bit, and Bridoon Reins—Black leather.

Non-commissioned officers, the same as the officers, with the exception of silk ferret instead of lace. Sergeants to wear two white epaulettes, corporal one on the right shoulder.

Armament—Pistols, sabres, steel scabbards, buff leather waist belt, white plate in front with the eagle in relief—silver sword knot. Armament.

The white cord to be taken off the soldier's jackets, and no lace or silver cord to be worn by the officers.

Of the Light Artillery.

Full Dress—Coatee of dark blue cloth, single breasted, three rows of buttons, nine in each. Button holes worked diagonally, in blue twist. Standing collar; the height of the collar not to extend beyond the tip of the ear; two buttons; the button holes of blue twist. Cuffs blue with three buttons placed vertically upon the sleeve; the button holes worked with twist. Pocket flaps, diagonal, with three buttons worked as the sleeve, two buttons at the waist, the skirts sloping from the hip. Light Artil. Full dress.

Vest—White cassimere, or doe skin (for winter), plain white jean or nankeen (for summer), single breasted, with nine yellow buttons.

Pantaloons—White cassimere, or doe skin (for parade), dark blue cloth (for service).

Boots—Hussar.

Stock—Black leather, ribbed.

Spurs—White, shanks one inch.

Cap and Ornament—Black, seven inches high, the crown eight and a half inches diameter, the visor two and a half inches broad, lined with stiff leather, a gold band and tassel falling from the crown of the cap on the right side, gilt plate in front, plume white,

tipped with red, length six inches, one fourth red—cockade, black leather.

Buttons—Yellow, half inch diameter.

Epaulette—Gold bullion, strap, basket work. The field officers to wear two—a captain, one on the right shoulder—the lieutenants, one on the left.

Adjutant—Epaulette according to his grade, with a band of red silk and gold fringe above the elbow on the left arm, his plume yellow.

Quarter-Master—Epaulette, according to his grade, plume green.

Pay-Master—Epaulette of his grade, plume red.

Surgeon and Mates—Same uniform as described, except the cape, which is of black velvet, cocked hat, black plume.

Cloak—Hussar, blue cloth, cape eight inches large.

Equipment—Plain saddle.

Housing. *Housing*—Scarlet cloth, extending eight inches from the saddle, and brought to a point on the flank of the horse.

Medical Staff—Blue housing.

Holsters—Bear skin, with double flaps.

Bridle—Double bit, (yellow mounted) reins, martingal, &c. black leather.

Portmanteau—Black leather, two feet long, nine inches diameter.

Armament. *Armament*—Sabres, gilt scabbards, black belt two inches broad, gilt plate in front with the eagle in relief—belt worn over the sash, which is red, and tied on the right side—the sabre suspended by a chain. Cut and thrust swords, black scabbards, yellow mounted—(for undress) sword knot gold.

Pistols—Calibre of the cavalry, yellow mounted.

Undress Uniform—Long coat, extending to the knee, dark blue cloth, skirts sloping from the hips, single breasted, with one row of nine buttons—the cut, fashion and trimmings to be the same as the full dress.

Where etiquette requires shoes, breeches, agreeable to the uniform, are to be worn, with yellow knee buckles instead of strings—yellow buckles in the shoes, a chapeau bras instead of the cap, no plume.

Dress of non-commissioned officers and privates—The same as that prescribed for the officers, with the exception of worsted being substituted for gold band and tassel. Sergeants to wear two yellow worsted epaulettes and red worsted sash. Corporals one epaulette on the right shoulder.

Of the Infantry.

Infantry. Tne same as that pointed out for the officers of artillery, with the following exceptions:

The sword of the sabre form, and with mounting, silver or plated. For the medical staff, small swords.

Epaulettes, buttons, spurs, buckles and trimmings, silver or plated, and caps may be worn on duty.

Of the Riflemen.

The uniform for the non-commissioned officers, privates and musicians of the rifle regiments, will hereafter be as follows, viz: Riflemen.

A short coat of gray cloth, single breasted, flat yellow buttons, which shall exhibit a bugle surrounded by stars, with the number of the regiment within the curve of the bugle; one row of ten buttons in front, three on each sleeve, and three on each skirt, lengthwise, with blind button holes of black twist or braid in herring bone form.

A waistcoat of gray cloth, with sleeves of the same. Pantaloons of gray cloth.

The Jefferson shoe, rising two inches above the ankle joint, and on high.er

Leather caps, with a plate and design similar to that of the button, and short green pompon in front.

For the field or active service, the officers will wear uniforms like those of the privates, excepting as to quality.

On other occasions, they are permitted to wear uniform of the artillery, except as to the buttons, the position of them, &c. which shall be the same with the field coat.—Epaulettes of gold.

Yellow mounted sabres for officers and non-commissioned officers.

Of the Cadets.

Coat—Gray cloth, single breasted, standing collar, single herring bone cuff, eight buttons in front; six in rear, one on each side the collar, with one blind button hole, and one on each cuff. Cadets.

Under Clothes—Nankeen in summer, grey cloth in winter—black stock.

Chapeau—Cockade, with gilt eagle and loop.

Half boots and shoes.

Cut and thrust swords, in a frog belt, worn under the coat.

The buttons, eagle impression, yellow gilt, $\frac{5}{8}$ inch diameter.

D. PARKER, *Adjutant General.*

CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

Sec. 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sec. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the Electors in each State shall have the qualifications requisite for Electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States, which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty-thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode-Island and Providence plantations, one; Connecticut, five; New-York, six; New-Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North-Carolina, five; South-Carolina, five; and Georgia, three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Sec. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Sec. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sec. 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number

may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Sec. 7. All bills for raising revenue, shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States: if he approve he shall sign it; but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevents its return, in which case it shall not be a law.

Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Sec. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States.

To borrow money on the credit of the United States.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

To establish post-offices and post-roads.

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

To constitute tribunals inferior to the supreme court.

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.*

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* The Constitution of the United States, has not given to Congress the absolute and *exclusive* control over the militia of the States. It seems the power given to Congress by the 8th sec. 1 art. of the Constitution, is of a limited nature, and confined to the objects specified in the clauses, and in all other respects, and for all other purposes, the militia are subject to the control and government of their respective States.—*Andrey v. Timmons*, 3 *M'Cord*, 329.

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings. And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Sec. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another. Nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.

No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign State.

Sec. 10. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; *and all* such laws shall be subject to the revision and control

the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Sec. 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates; and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot, the Vice-President.*

The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution,

* Altered—see amendments, article 12.

shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

Sec. 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with

respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive Ambassadors and other public Ministers. He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sec. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

ARTICLE III.

Sec. 1. The Judicial Power of the United States, shall be vested in one Supreme Court, and in such Inferior Courts, as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Sec. 2. The Judicial Power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases beforementioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury: and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places, as the Congress may by law have directed.

Sec. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason: but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

ARTICLE IV.

Sec. 1. Full faith and credit shall be given in each State, to the public acts, records, and Judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Sec. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive Authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person, held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up on claim of the party to whom such service or labour may be due.

Sec. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States. And nothing in this Constitution shall be so construed, as to prejudice any claims of the United States, or of any particular State.

Sec. 4. The United States shall guarantee to every State in this Union, a republican form of government; and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the Judges, in every State, shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States, shall be sufficient for the establishment of this Constitution, between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

New-Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—William Samuel Johnson, Roger Sherman.

New-York.—Alexander Hamilton.

New-Jersey.—William Livingston, David Brearly, William Patterson, Jonathan Dayton.

Pennsylvania.—B. Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware.—George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.

Maryland.—James M'Henry, Dan. of St. Thos. Jenifer, Dan. Carroll.

Virginia.—John Blair, James Madison, Jun.

North-Carolina.—William Blount, Richard Dobbs Spaight, Hugh Williamson.

South-Carolina.—J. Rutledge, Charles C. Pinckney, Charles Pinckney, Pierce Butler.

Georgia.—William Few, Abr. Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be in-

formed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have

such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

CONSTITUTION

OF THE

STATE OF SOUTH-CAROLINA.

We, the delegates of the people of the State of South-Carolina, in general convention met, do ordain and establish this Constitution for its government.

ARTICLE I.

§ 1. The legislative authority of this State shall be vested in a general assembly, which shall consist of a Senate and House of Representatives.

2. The House of Representatives shall be composed of members, chosen by ballot, every second year, by the citizens of this State, qualified as in this constitution is provided.

3. The several election districts in this State, shall elect the following number of representatives, viz:

Charleston, including St. Philip and St. Michael,	fifteen	members;
Christ Church,	three	do
St. John's, Berkley,	three	do
St. Andrew,	three	do
St. George, Dorchester,	three	do
St. James, Goose Creek,	three	do
St. Thomas and St. Denis,	three	do
St. Paul,	three	do
St. Bartholomew,	three	do
St. James, Santee,	three	do
St. John, Colleton,	three	do
St. Stephen,	three	do
St. Helena,	three	do
St. Luke,	three	do
Prince William,	three	do
St. Peter,	three	do
All Saints, (including its ancient boundaries)	one	do
Winyaw, (not including any part of All Saints)	three	do
Kingston, (not including any part of All Saints)	two	do

Williamsburgh,	two	members;
Liberty,	two	do
Marlborough,	two	do
Chesterfield,	two	do
Darlington,	two	do
York,	three	do
Chester,	two	do
Fairfield,	two	do
Richland,	two	do
Lancaster,	two	do
Kershaw,	two	do
Claremont,	two	do
Clarendon,	two	do
Abbeville,	three	do
Edgefield,	three	do
Newberry, (including the fork between Broad and Saluda rivers)	three	do
Laurens,	three	do
Union,	two	do
Spartan	two	do
Greenville,	two	do
Pendleton,	three	do
St. Matthew,	two	do
Orange,	two	do
Winton, (including the district between Savannah river, and the north fork of Edisto)	three	do
Saxe Gotha,	three	do*

4. Every free white man, of the age of twenty-one years, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or, not having such freehold, or town lot, hath been a resident in the election district, in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year, of three shillings sterling, towards the snpport of this government, shall have a right to vote for a member or members, to serve for either branch of the legislature, for the election district in which he holds such property, or is so resident.†

5. The returning officer, or any other person present, entitled to vote, may require any person who shall offer his vote at an election, to produce a certificate of his citizenship, and a receipt from the tax-collector of his having paid a tax, entitling him to vote, or to swear, or affirm, that he is duly qualified to vote agreeably to this constitution.

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* See amendment, 17th Dec. 1808. † See amendment, 19th Dec. 1810.

6. No person shall be eligible to a seat in the House of Representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident in this state three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the House of Representatives, unless he be legally seized and possessed, in his own rights, of a settled freehold estate of five hundred acres of land, and ten negroes; or of a real estate, of the value of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein, of the value of five hundred pounds sterling, clear of debt.

7. The Senate shall be composed of members to be chosen for four years, in the following proportions, by the citizens of this State, qualified to elect members to the House of Representatives, at the same time, in the same manner, and at the same places, where they shall vote for Representatives, viz:

Charleston, (including St. Philip and St. Michael)	two members;	
Christ Church,	two	do.
St. John, Berkley,	one	do.
St. Andrew,	one	do.
St. George,	one	do.
St. James, Goose Creek,	one	do.
St. Thomas and St. Denis,	one	do.
St. Paul,	one	do.
St. Bartholomew,	one	do.
St. James, Santee,	one	do.
St. John, Colleton,	one	do.
St. Stephen,	one	do.
St. Helena,	one	do.
St. Luke,	one	do.
Prince William,	one	do.
St. Peter,	one	do.
All Saints,	one	do.
Winyaw and Williamsburgh,	one	do.
Liberty and Kingston,	one	do.
Marlborough, Chesterfield and Darlington,	one	do.
York,	one	do.
Fairfield, Richland, and Chester,	one	do.
Lancaster and Kershaw,	one	do.
Claremont and Clarendon,	one	do.
Abbeville,	one	do.
Edgefield,	one	do.
Newberry, (including the fork between Broad and Saluda rivers)	one	do.
Laurens,	one	do.
Union,	one	do.
Spartan,	one	do.

Greenville,	one member;
Pendleton,	one do.
St. Matthew and Orange,	one do.
Winton, (including the district between Savannah river and the North fork of Edisto)	one do.
Saxe Gotha,	one do.*

8. No person shall be eligible to a seat in the Senate, unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this State five years previous to his election. If a resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate of the value of three hundred pounds sterling, clear of debt. If a non-resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate, in the said district, of the value of one thousand pounds sterling, clear of debt.

9. Immediately after the Senators shall be assembled, in consequence of the first election, they shall be divided by lots into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, and of the second class at the expiration of the fourth year; so that one half thereof as nearly as possible, may be chosen, forever thereafter, every second year, for the term of four years.*

10. Senators, and members of the House of Representatives, shall be chosen on the second Monday in October next, and the day following; and on the same days in every second year thereafter, in such manner, and at such times, as are herein directed; and shall meet on the fourth Monday in November annually, at Columbia, (which shall remain the seat of government, until otherwise determined, by the concurrence of two-thirds of both branches of the whole representation) unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the governor or commander-in-chief for the time being, may by proclamation, appoint a more secure and convenient place of meeting.

11. Each House shall judge of the elections, returns, and qualifications of its own members; and a majority of each House shall consist of a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner, and under such penalties, as may be provided by law.

12. Each House shall choose by ballot its own officers, determine its rules of proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

* See amendment, 17th Dec. 1808.

13. Each House may punish, by imprisonment, during sitting, any person not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behaviour in its presence, or who, during the time of its sitting, shall threaten harm to the body or estate of any member, for any thing said or done in either house; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the House, in his going to or returning therefrom; or who shall rescue any person arrested by order of the House.

14. The members of both Houses shall be protected in their persons and estates, during their attendance on, going to, and returning from the legislature, and ten days previous to their sitting, and ten days after the adjournment of the legislature. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

15. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended, or rejected by the Senate.

All other bills may originate in either House, and may be amended, altered, or rejected by the other.

16. No bill or ordinance shall have the force of law, until it shall have been read three times, and on three several days, in each house, has had the great seal affixed to it, and has been signed, in the Senate-house, by the President of the Senate and Speaker of the House of Representatives.

17. No money shall be drawn out of the public treasury, but by the legislative authority of the State.

18. The members of the legislature, who shall assemble under this Constitution, shall be entitled to receive out of the public treasury, as a compensation for their expenses, a sum not exceeding seven shillings sterling a day, during their attendance on, going to, and returning from, the legislature; but the same may be increased or diminished by law, if circumstances shall require; but no alterations shall be made by any legislature to take effect during the existence of the legislature which shall make such alteration.

19. Neither House shall, during their session, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

20. No bill or ordinance, which shall have been rejected by either House, shall be brought in again during the sitting without leave of the House, and notice of six days being previously given.

21. No person shall be eligible to a seat in the legislature, whilst he holds any office of profit or trust under this State, the United States, or either of them, or under any other power—except officers in the militia, army, or navy of this State, justices of the peace, or justices of the county courts, while they receive no salaries; nor shall any contractor of the army or navy of this State, the United States, or either of them, or the agents of such

contractor, be eligible to a seat in either House. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

22. If any election district shall neglect to choose a member or members, on the days of election, or if any person chosen a member of either House shall refuse to qualify and take his seat, or should die, depart the State, or accept of any disqualifying office, a writ of election shall be issued by the President of the Senate, or Speaker of the House of Representatives, as the case may be, for the purpose of filling up the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, dying, departing the State, or accepting a disqualifying office, was elected to serve.

23. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God, and the care of souls, and ought not to be diverted from the great duty of their functions: therefore, no minister of the gospel, or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of governor, lieutenant-governor, or a seat in the Senate or House of Representatives.

ARTICLE II.

§ 1. The executive authority of this State shall be invested in a governor, to be chosen in manner following: as soon as may be, after the first meeting of the Senate and House of Representatives, and at every first meeting of the House of Representatives thereafter, when a majority of both Houses shall be present, the Senate and House of Representatives shall, jointly, in the House of Representatives, choose by ballot a governor, to continue for two years, and until a new election shall be made.

2. No person shall be eligible to the office of governor, unless he hath attained the age of thirty years, and hath resided within this State, and been a citizen thereof ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

No person, having served two years as governor, shall be re-eligible to that office, till after the expiration of four years.

No person shall hold the office of governor, and any other office or commission, civil or military, except in the militia, either in this State, or under any State, or the United States, or any other power, at one and the same time.

3. A lieutenant-governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the governor.

4. A member of the Senate or House of Representatives, being chosen, and acting as governor or lieutenant-governor, shall *vacate his* seat, and another person shall be elected in his stead.

5. In case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the State, the lieutenant-governor shall succeed to his office. And in case of the impeachment of the lieutenant-governor, or his removal from office, death, resignation, or absence from the State, the President of the Senate shall succeed to his office, till a nomination to those offices respectively shall be made by the Senate and House of Representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent, was elected.

6. The governor shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the actual service of the United States.

7. He shall have power to grant reprieves and pardons, after convictions, except in cases of impeachment, in such manner, on such terms, and under such restrictions, as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law.

8. He shall take care that the laws be faithfully executed in mercy.

9. He shall have power to prohibit the exportation of provision, for any time not exceeding thirty days.

10. He shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected.

11. All officers in the executive department, when required by the governor, shall give him information, in writing, upon any subject relating to the duties of their respective offices.

12. The governor shall, from time to time, give to the general assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient.

13. He may, on extraordinary occasions, convene the general assembly, and, in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he may think proper, not beyond the fourth Monday in the month of November then ensuing.

ARTICLE III.

§ 1. The judicial power shall be vested in such superior and inferior courts of law and equity, as the legislature shall from time to time, direct and establish.

The judges of each shall hold their commissions during good behaviour; and judges of the superior courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office: but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power.

2. The style of all processes shall be "*the State of South-Carolina.*" All prosecutions shall be carried on in the name and by the authority of the State of South-Carolina, and conclude—"*against the peace and dignity of the same.*"

ARTICLE IV.

All persons who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath: "I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State, and of the United States."*

ARTICLE V.

§ 1. The House of Representatives shall have the sole power of impeaching; but no impeachment shall be made, unless with the concurrence of two thirds of the House of Representatives.

2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath or affirmation: and no person shall be convicted without the concurrence of two thirds of the members present.

3. The governor, lieutenant-governor, and all the civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to a removal from office, and disqualification to hold any office of honour, trust, or profit, under this State. The party convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.†

ARTICLE VI.

§ 1. The judges of the superior courts, commissioners of the treasury, secretary of the State, and surveyor-general, shall be elected by the joint ballot of both Houses, in the House of Representatives. The commissioners of the treasury, secretary of the State, and surveyor-general, shall hold their offices for four years; but shall not be eligible again for four years, after the expiration of the time for which they shall have been elected.

2. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but sheriffs shall hold their offices for four years, and not be again eligible for four years after the term for which they shall have been elected.

3. All commissions shall be in the name and by the authority of the State of South-Carolina, and be sealed with the seal of the State, and be signed by the governor.

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* See amendment, 6th Dec. 1834. † See amendment, 20th Dec. 1839.

ARTICLE VII.

All laws in force in this State at the passing of this Constitution, shall so continue until altered or repealed by the legislature; except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by act of the legislature.

ARTICLE VIII.

§ 1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall, forever hereafter, be allowed within this State to all mankind: Provided, that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

2. The rights, privileges, immunities, and estates of both civil and religious societies, and of corporate bodies, shall remain as if the Constitution of this State had not been altered or amended.

ARTICLE IX.

§ 1. All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety and happiness.

2. No freeman of this State shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land: nor shall any bill of attainder, ex post facto law, or law impairing the obligation of contracts, ever be passed by the logislature of this State.

3. The military shall be subordinate to the civil power.

4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

5. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for any longer time than during good behaviour.

6. The trial by jury, as heretofore used in this State, and the liberty of the press, shall be forever inviolably preserved.

ARTICLE X.

§ 1. The business of the treasury shall be in future conducted by two treasurers, one of whom shall hold his office and reside in Columbia; the other shall hold his office and reside in Charleston.

2. The secretary of State and surveyor-general, shall hold their offices both in Columbia and in Charleston. They shall reside at one place, and their deputies at the other.

3. At the conclusion of the circuits, the judges shall meet and sit at Columbia, for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgment, and such points of law as may be submitted to them. From Columbia they shall proceed to Charleston, and there hear and determine all such motions for new trials, and in arrest of judgment, and such points of law, as may be submitted to them.*

4. The governor shall always reside, during the sitting of the legislature, at the place where their sessions may be held, and at all other times, wherever in his opinion, the public good may require.

5. The legislature shall, as soon as may be convenient, pass laws for the abolition of the rights of primogeniture, and for giving an equitable distribution of the real estate of intestates.

ARTICLE XI.

No convention of the people shall be called, unless by the concurrence of two-thirds of both branches of the whole representation.

No part of this constitution shall be altered, unless a bill to alter the same shall have been read three times in the House of Representatives, and three times in the Senate, and agreed to by two-thirds of both branches of the whole representation; neither shall any alteration take place until the bill so agreed to, be published three months previous to a new election for members to the House of Representatives, and if the alteration proposed by the legislature shall be agreed to in their first session, by two-thirds of the whole representation in both branches of the legislature, after the same shall have been read three times, on three several days in each House, then, and not otherwise, the same shall become a part of the Constitution.

Done in Convention, at Columbia, in the State of South-Carolina, the third day of June, in the year of our Lord 1790, and in the fourteenth year of the Independence of the United States of America.

By the unanimous order of the Convention:

CHARLES PINCKNEY, *President.*

AMENDMENTS TO THE CONSTITUTION.

AMENDMENTS,

RATIFIED DECEMBER 17, 1808.

The following sections, in amendment of the third, seventh, and ninth sections of the first article of the Constitution of this State, shall be, and they are hereby declared to be valid parts of the said constitution; and the said third, seventh, and ninth sec-

* See amendment, 19th Dec. 1816.

tions, or such parts thereof as are repugnant to such amendments, are hereby repealed and made void.

The House of Representatives shall cousist of one hundred and twenty-four members; to be apportioned among the several election districts of the State, according to the number of white inhabitants contained, and the amount of all taxes raised by the legislature, whether direct or indirect, or of whatever species, paid in each, deducting therefrom all taxes paid on account of property held in any other district, and adding thereto all taxes elsewhere paid on account of property held in such district; an enumeration of the white inhabitants for this purpose, shall be made in the year one thousand eight hundred and nine, and in the course of every tenth year thereafter, in such manner as shall be by law directed; and representatives shall be assigned to the different districts in the above-mentioned proportion, by act of the legislature at the session immediately succeeding the above enumeration.

If the enumeration herein directed, should not be made in the course of the year appointed for the purpose by these amendments, it shall be the duty of the governor to have it effected as soon thereafter, as shall be practicable.

In assigning representatives to the several districts of the State, the legislature shall allow one representative for every sixty-second part of the whole number of white inhabitants in the State; and one representative also, for every sixty-second part of the whole taxes raised by the legislature of the State. The legislature shall further allow one representative for such fractions of the sixty-second part of the white inhabitants of the State, and of the sixty-second part of the taxes raised by the legislature of the State, as, when added together, form a unit.

In every apportionment of representation under these amendments, which shall take place after the first apportionment, the amount of taxes shall be estimated from the average of the ten preceding years: but the first apportionment shall be founded upon the tax of the preceding year, excluding from the amount thereof, the whole produce of the tax on sales at public auction.

If in the apportionment of representatives under these amendments, any election district shall appear not to be entitled from its population and its taxes, to a representative, such election district shall, nevertheless, send one representative; and if there should be still a deficiency of the number of representatives required by these amendments, such deficiency shall be supplied by assigning representatives to those election districts having the largest surplus fractions; whether those fractions consist of a combination of population and of taxes, or of population or of taxes separately, until the number of one hundred and twenty-four members be provided.

No apportionment under these amendments shall be construed to take effect in any manner, until the general election which shall succeed such apportionment.

The election districts for members of the House of Representatives, shall be and remain as heretofore established, except Saxegotha and Newberry, in which the boundaries shall be altered as follows, viz.—That part of Lexington in the fork of Broad and Saluda rivers, shall no longer compose a part of the election district of Newberry, but shall be henceforth attached to and form a part of Saxegotha. And also except Orange, and Barnwell, or Winton, in which the boundaries shall be altered as follows, viz: That part of Orange in the fork of Edisto, shall no longer compose a part of the election district of Barnwell, or Winton, but shall be henceforth attached to and form a part of Orange election district.

The Senate shall be composed of one member from each election district, as now established for the election of members of the House of Representatives, except the district formed by the parishes of St. Philip and St. Michael, to which shall be allowed two Senators as heretofore.

The seats of those Senators, who, under the Constitution, shall represent two or more election districts, on the day preceding the second Monday in October, which will be in the year one thousand eight hundred and ten, shall be vacated on that day, and the new Senators, who shall represent such districts under these amendments, shall immediately after they shall have been assembled under the first election, be divided by lots into two classes; the seats of the Senators of the first class, shall be vacated at the expiration of the second year, and of the second class, at the expiration of the fourth year; and the number in these classes shall be so proportioned, that one half of the whole number of Senators may, as nearly as possible, continue to be chosen thereafter, every second year.

None of these amendments becoming parts of the Constitution of this State, shall be altered, unless a bill to alter the same shall have been read on three several days in the House of Representatives, and on three several days in the Senate, and agreed to at the second and third reading, by two-thirds of the whole representation, in each branch of the legislature; neither shall any alteration take place, until the bill so agreed to, be published three months previous to a new election for members to the House of Representatives; and if the alteration proposed by the legislature, shall be agreed to in their first session, by two-thirds of the whole representation, in each branch of the legislature, after the same shall have been read on three several days in each House, then, and not otherwise, the same shall become a part of the Constitution.

AMENDMENT,

RATIFIED DECEMBER 19, 1810.

That the fourth section of the first article of the Constitution of this State, be altered and amended to read as follows: Every

free white man of the age of twenty-one years, paupers and non-commissioned officers and private soldiers of the army of the United States, excepted, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed at least six months before such election, or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote, six months before the said election, shall have a right to vote for a member or members, to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

AMENDMENT,

RATIFIED DECEMBER 19, 1816.

That the third section of the tenth article of the Constitution of this State, be altered and amended to read as follows:—The judges shall, at such time and places as shall be prescribed by act of the Legislature of this State, meet and sit for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgment, and such points of law as may be submitted to them.

AMENDMENT,

RATIFIED DECEMBER 20, 1820.

That all that territory lying within the chartered limits of this State, and which was ceded by the Cherokee nation, in a treaty concluded at Washington, on the twenty-second day of March, in the year of our Lord one thousand eight hundred and sixteen, and confirmed by an act of the legislature of this State, passed on the nineteenth day of December, in the same year, shall be, and the same is hereby declared to be annexed to, and shall form and continue a part of the election district of Pendleton.

AMENDMENT,

RATIFIED DECEMBER 20, 1828.

That the third section of the fifth article of the Constitution of this State, shall be altered to read as follows, viz:

Sec. 3. The governor, lieutenant-governor, and all civil officers, shall be liable to impeachment, for high crimes and misdemeanors, for any misbehaviour in office, for corruption in procuring office, or for any act which shall disgrace their official character. But judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under this State. The party convicted, shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law.

Sec. 4. All civil officers, whose authority is limited to a single election district, a single judicial district, or part of either, shall be appointed, hold their office, be removed from office, and in addition to liability to impeachment, may be punished for official misconduct, in such manner as the legislature, previous to their appointment, may provide.

Sec. 5. If any civil officer shall become disabled from discharging the duties of his office, by reason of any permanent bodily, or mental infirmity, his office may be declared to be vacant, by joint resolution agreed to by two-thirds of the whole representation in each branch of the legislature: *Provided*, That such resolution shall contain the grounds for the proposed removal, and before it shall pass either House, a copy of it shall be served on the officer, and a hearing be allowed him.

AMENDMENT,

RATIFIED DECEMBER 6, 1834.

That the fourth article of the Constitution of this State, shall be amended so as to read as follows, viz: Every person who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath: "I do solemnly swear (or affirm) that I will be faithful, and true allegiance bear to the State of South-Carolina, so long as I may continue a citizen thereof; and that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed; and that I will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State, and of the United States. So help me God."

MILITARY DECISION.

At a military board of general and field officers, convened in Charleston, (consisting of major-general Hayne, brigadier-general Hamilton, colonels Edwards and Schnierle, and lietenant-colonels Rodgers and Smith) to hear and determine an appeal on the contested election of a major in the upper battalion of the 15th regiment, the following points were decided, viz:

1st. That in inspecting and receiving a uniform volunteer company into his regiment, it is not indispensably necessary that the colonel should require that the whole number of men in uniform required by law to constitute such company, should be *actually present at such inspection*, but that if the colonel is fully satisfied, from his own personal knowledge, or other sufficient evidence, that such company actually consists of the proper number of men in uniform, he may inspect and commission them, though some of the members may happen to be absent, from sickness or other causes.

2d. That students at school or at college, *over* 18 *years of age*, though exempt by law from ordinary militia duty, yet being liable to do duty "in cases of invasion or alarm," are entitled to vote for militia officers, as members of the beat companies in which they are liable to do such duty.

3d. That in an election for a field officer, the members of the several volunteer and beat companies, *can only vote at the polls opened in the companies to which they respectively belong*, and if they vote at any other poll, their votes cannot be counted, and the election will be set aside for irregularity. As the principle here settled is an important one, the decision of the board on this point, is annexed, for the information of our readers. The board were *unanimous* on every point decided.

DECISION.

On the next ground of protest, this board is constrained to differ from the former board, and to reverse their decision. The objection is stated by the appellant in the following terms—"That the decision on the next ground, was contrary to right and usage, in as much as the managers of volunteer and even beat company polls, are judges of the qualifications of such persons only as are enrolled on their respective lists, and the permitting votes to be taken in the manner allowed in this case, would ultimately destroy all distinction between volunteer and other companies, and produce uncertainty and confusion in all military duties and liabilities." No evidence was offered on the subject of *the usage*, and while the appellant insists that the usage is opposed to the proceeding in this case, the appellee contends that it was in strict con-

formity with usage. The board is not aware of the existence of such usage, and at all events would not be disposed to give it their sanction, when opposed to what they conceive to be the plain intent and meaning of the law, a departure from which, in this particular, would in the opinion of this board, be liable to all the objections stated by the appellant. In the opinion of this board, the design of the law in requiring the officers of the several volunteer and beat companies to hold the elections in their respective companies, and to be the managers thereof, was to enable them to judge of the qualification of the voters from their own personal knowledge, as well as from their respective muster-rolls, and it would open the door to fraud, and be productive of endless difficulty and confusion, if the members of one company were permitted to vote at the poll of any other company, which they might think proper to attend. If the members of a beat company, may vote at the poll of a volunteer company, so may the members of the latter vote at the poll of the former, and as a necessary consequence, every member of the battalion may vote at any poll in the battalion. Elections for field officers were formerly held at the *battalion muster grounds*, but by the act of 18th Dec. 1818,* it was provided, that the captain or commanding officer of each company, should in any election for colonel or major, "call to his assistance two of his subaltern officers, or other fit and proper persons to open and hold a poll at their respective muster grounds," &c. It cannot be doubted, that one of the objects of this law was to secure fair elections, by excluding bad voters, and that this was to be effected by having elections held *within the respective companies by the officers thereof*, who would of course be acquainted with the members of the company, and would therefore know who was and who was not entitled to vote. There is no suspicion of any fraud or improper practice in this case, and it may be, that the sense of the battalion has been fully and fairly expressed, but no one can fail to see how utterly impossible it would be, to prevent fraud and exclude bad votes, if any man had a right to vote at any poll in the battalion he might think proper to select. As this board think the *precedent* would be *dangerous*, they feel bound for these and other reasons, which it is unnecessary to state, to reverse the decision of the former board on this point, and to set aside the election.

* Vide ante page 97.

INDEX.

Page.

Abbeville, extract from the Act incorporating, ... 168
Accoutrements, ... 9–26
Act of Congress to provide for the National Defence, passed 8th May, 1792, 1
" to regulate the pay of Non-Commissioned Officers, &c. *passed 8th May*, 1792, ... 5
" for calling out the Militia to execute Laws, &c. *passed 2d Jan.* 1795, ... 6
" providing Arms for the Militia, *passed 6th July*, 1798, ... 8
" to establish the Post Office of the United States, Sec. 26, *passed 2d March*, 1799, ... 9
" in addition to the Act to provide for the National Defence, *passed 2d March*, 1803, ... 9
" for the regulation of public Arsenals and Magazines, Sec. 4, *passed 7th May*, 1803, ... 9
" making further provision for arming and equipping the Militia, 10
" making further provision for the Army of the U. S. Sec. 7, *passed 16th May*, 1812, ... 10
" supplementary to an Act to provide for calling forth the Militia to execute the Laws, suppress insurrections, &c. 1st and 2d Sections, *passed 2d Feb.* 1813, ... 10
" in further addition to an Act entitled an Act more effectually to provide for the National Defence. &c. Sec. 1, *passed 18th April*, 1814, .. 11
" concerning Field Officers, *passed 29th April*, 1816, ... 11
" concerning the annual sum appropriated for arming and equipping the Militia, Sec. 1 and 2, *passed 20th April*, 1818, ... 12
" to defray the expenses of the Militia, &c. when marching to rendezvous. *passed 20th April*, 1818. Ibid
" respecting the Organization of the Army, &c. *passed 20th April*, 1818, ... 13
" fixing the Military peace establishment, *passed 2d March*, 1821, .. Ibid
" to establish an Uniform Discipline for the Militia, ... Ibid

Page.

Act of Congress fixing the Military peace establishment, *passed 2d March*, 1821, ... Ibid
Act of South-Carolina to organize the Militia throughout the State, *passed 10th May*, 1794, ... 17
" to establish the annual salaries of powder inspectors and Arsenal keepers for Charleston and 96, &c. *passed 10th May*, 1794, ... 34
" in addition to an Act to organize the Militia throughout the State, *passed 19th Dec.* 1794, ... 35
" do. *passed 19th Dec.* 1795, ... 42
" to prolong the time for certain Officers of the Militia to take the oath prescribed by law, *passed 20th Dec.* 1796, ... 43
" concerning the Cavalry and Artillery of this State, ... 44
" to prevent the spreading of contagious Distempers in this State, *passed 26th March*, 1784, ... Dig. lxxvii
" to amend the law respecting Quarantine, *passed 16th Dec.* 1797, ... 48
" to repeal part of an Act "to prevent the spreading of contagious distempers in this State," *passed 19th March*, 1795, ... Dig. lxxx
" to amend an Act entitled "an Act to prevent the spreading of contagious distempers, and also to amend the laws respecting Quarantines, *passed 19th Dec.* 1809, ... Dig. lxxx
" to enlarge and extend the powers of the Governor, and of the City Council of Charleston over Quarantine. and for other purposes, *passed 20th Dec.* 1832, ... Dig lxxx
" respecting slaves, free negroes, mulattoes, Mustizoes, and for enforcing the performance of patrol duty, *passed 20th Dec.* 1800, ... 48
" in addition to the Militia Laws of this State, passed 20th December, 1800, ... 52
" to alter part of an Act respecting slaves, free negroes, mulattoes and mustizoes, &c. *passed 17th Dec.* 1803, ... 55
" to cede to the U. S. various Forts and Fortifications, and sites for the erection of Forts, *passed 19th Dec.* 1805, ... 55

Page.

Act to enforce the due observance of the Military Law, as relates to Captains Jacob Drayton, and William Rouse, *passed* 19*th Dec.* 1805,... 57
" extract from, to make appropriations for the year 1807,..... 58
" explanatory of former Acts relative to the mode of determining the seniority of officers in the militia of this State, *passed* 19*th Dec.* 1807 59
" to alter and amend "an Act concerning the Cavalry and Infantry of this State," *passed* 19*th Dec.* 1807..... 60
" to give the militia officers of the State who have not taken the oath prescribed by law further time, *passed* 19*th Dec.* 1807 61
" requiring the Major-Generals to cause one uniform system of evolutions to be adopted by the Cavalry in their respective Divisions, &c. *passed* 17*th Dec.* 1808, ... 62
" to amend an Act, entitled "an Act, to cede to the U. S. various Forts and Fortifications, and sites for the erection of Forts," *passed* 17*th Dec.* 1808,.. 66
" to amend and explain the Militia Laws of this State, *passed* 19*th Dec.* 1809,..... 68
" providing for the better defence of this State, &c. *passed* 29th *August*, 1812,..... 71
" extract from, making appropriations for the year 1812,..... 72
" to exempt the officers, non-commissioned officers and privates of the City Guard of Charleston from militia duty, *passed* 19*th Dec.* 1812 72
" to alter and amend the Militia Laws of this State, *passed* 24*th of Sept* 1813. 73
" for the protection of the maritime frontier of this State, *passed* 21*st Dec* 1814..... 78
" to prolong the time for certain militia officers to take the oath or affirmation prescribed by law, *passed* 20*th Dec.* 1814 79
" to raise a Brigade of State Troops, *passed* 20*th Dec* 1814,..... 79
" to divide the State into five Divisions and ten Brigades. *passed* 21*st Dec.* 1814,..... 83
" to appoint certain Commissioners, for the purpose of assessing the value of certain lands in the Parish of St Philip, on which Fortifications are now erecting, for the defence of *Charleston, passed* 16*th Dec.* 1814, 85

Page.

Act to alter and amend the Militia Laws of this State, *passed* 16*th Dec* 1815..... 86
" for the organization of the Staff of the Militia, &c. *passed* 13*th Dec.* 1815,..... 91
" extract from, to make appropriations for the year 1815, &c..... 92
" to make all the officers of militia elective, *passed* 19*th Dec* 1816,.. 93
" extract from, *passed* 18*th Dec.* 1817,..... 97
" to increase the number of places of elections limited by law, for the elections of Colonels and Majors in each Regiment or Battalion throughout the State, &c. *passed* 18*th Dec.* 1818,..... 97
" to excuse the officers of the several branches of the Bank of the State of South-Carolina from the performance of ordinary militia duty, &c. *passed* 16*th Dec.* 1818,..... 99
" to provide for the more effectual performance of patrol duty, *passed* 18*th Dec.* 1819,..... 99
" to give the same compliment of officers to companies of Artillery in this State, as are required by the laws now in force, in the U. S. service, &c. *passed* 19*th Dec.* 1820, 105
" authorizing another Regiment of militia, to be raised and organized in the District of Pendleton, &c. *passed* 20*th Dec.* 1820,..... 105
" do. in Barnwell, *passed* 20*th Dec.* 1821,..... 106
" to establish a competent force to act as a Municipal Guard for the protection of the city of Charleston and its vicinity, *passed* 21*st Dec.* 1822,..... 107
" to exempt the militia within the Town of Camden, from the performance of militia duty oftener than once in two months, *passed* 21*st Dec.* 1822,..... 110
" to consolidate and equalize certain militia companies, to authorize the sale of small arms, and the inspection of muskets made by Adam Caruth, preparatory to their being purchased by the State, *passed* 21*st Dec.* 1822,..... 110
" to regulate the performance of patrol duty on Charleston Neck, 20*th Dec.* 1823,..... 112
" to require the officers of each Brigade to assemble in Brigade encampments, &c. *passed* 20*th Dec.* 1823,..... 117

Page.

Act to repeal the first Section of an "Act, to require the officers of each Brigade of militia to assemble in Brigade encampments, passed 2 th Dec. 1823," and for other purposes, *passed* 17*th Dec* 1824... 118
" to alter and define the line between the 34th and 35th Regiments of the South Carolina militia. *passed* 24*th Nov* 1827..... 119
" to enlarge the recruiting limits of the Winnsborough Light Infantry Volunteer Company, *passed* 19*th Dec.* 1827,..... 120
" to regulate the election of Cavalry and Artillery officers throughout this State, *passed* 20*th Dec* 1828, 120
" to regulate the collection of military fines, and for other purposes, *passed* 8*th Dec.* 1829,..... 121
" for the better organizing the Fire Guard of the City of Charleston, *passed* 18*th Dec.* 1829,..... 122
" to provide for the Division of Beat Company No. 7 of the fifteenth Regiment of South Caroli a Militia, *passed* 18*th Dec.* 1829,..... 124
" to consolidate the two Beat Companies of Georgetown, *passed* 18*th Dec.* 1829,..... 125
" to authorize the sale of public arms, and accoutrements, *passed* 18*th Dec.* 1829,..... 125
" to change the place of Company Muster in St. James, Santee, *passed* 18*th Dec.* 1830..... 126
" to establish the dividing line between the 26th and 27th Regiments of militia, and to lay off a new Beat Company, at and around Summerville, *passed* 18*th Dec.* 1830, ... 126
" to form a squadron of Cavalry in the 8th Brigade, *passed* 18*th Dec.* 1830 127
" to conform the military with the judicial division of Pendleton District, and for other purposes, *passed* 18*h Dec.* 1830,..... 127
" to lay off and establish a new Beat Company in the 7th Regiment of South Carolina militia *passed* 17*th Dec.* 183 129
" to authorize the formation of a mounted Corps in Charleston, *passed* 17*th Dec.* 1831 129
" to define the limits of the Fairfield Grenadier Company, *passed* 17*th Dec.* 1831,..... 130
" to enable the officers of the militia to reside in certain cases out of their commands, *passed* 17*th Dec.* 1831,..... 131

Page.

Act further to alter and amend the militia Laws of this State. *passed* 20*th Dec.* 1832..... 131
" to incorporate under a new name the Jackson Guards *passed* 20*th Dec* 1832,..... 135
" to provide for the security and protection of the State Citadel, and Magazine in Charleston *passed* 20*th Dec.* 1832,..... 135
" prescribing the mode of altering the boundaries of the several Militia Beats, Battalions and Regiments, within this State, *passed* 20*th Dec.* 1832,..... 136
" to transfer Capt Cleckley's Company to the 14th Regiment, South Carolina Militia, and for other purposes, *passed* 20*th Dec.* 1832,... 137
" to empower the Commissioners of Cross Roads for Charleston Neck, to appoint a Collector of patrol fines. *passed* 20*th Dec.* 1832. 138
" to regulate the Militia in the Parishes of St Philip and St. Michael, and for other purposes. *passed* 20*th Dec.* 1832,..... 138
" to provide for the Military organization of this State, *passed* 19*th Dec* 1833,..... 140
" more effectually to provide for the defence of the State. *passed* 19*th Dec* 1833, ... 153
" to amend an Act, entitled "an Act, to provide for the military organization of the State." passed on the 19th Dec. 1833—*passed* 17*th Dec* 1834,..... 154
Adjutant..... 14
Adjutant-General,..9. 18. 43. 45. 62. 78. 92
Adjutant-General, resolution respecting Dig lxxxii
Adjutant and Inspector-General—his salary and duties,.....149 161
" to attend Brigade encampments. 146
Adjutant-General, Division or Deputy. 162
Aids-de-camp,.....11, 20, 38, 91 140
Aids to the Commander-in-Chief, 38, 91. 141
Alarm..... 29
" fine for not giving,..... 30
Aliens..... 28
Ammunition. (see Arms.)
Anderson, extract from Act incorporating,..... 169
Ansley, vs. Timmons, quoted, *Note*,) 28
Antient Battalion of Artillery. (see Charleston Battalion of Artillery.)
Apothecary-General, ... 163
Appeals.....42. 69. 86. 154. 157
Apprentice,..... 23
Armourer, ... 13

Page.

Arms,.....9 10, 58, 90, 153
" purchase of,.....58 71
" sale of,.....58 90
" distribution of,.....58 153½
" to be collected and repaired,..154½
Arms and Accoutrements,.....23 25
" to be sold and how,..... 125
" *Ammunition and Military Stores*, Governor authorized to remove,.. 77
" *and Equipments*,..... 71
Army of the U. S. field exercise of adopted,..... 88
Army regulations of the U. S. adopted, 146
Arrest,..... 148
Arsenals,.....77, 90, 153
Arsenal in *Charleston*,..... 97
" *in Columbia*,.....153½
" *keepers*,..... 77
" *keeper*, Abbeville,..... 34
" *keeper*, Charleston,.....34 153½
" " Columbia,..... 153
Artillery,.....5, 13, 44, 46, 52, 66, 89, 105
" *Companies*,..... 144
" *Federalist*,..... 60
" *officers*, election of,.....94 120
" *Cols and Majors of*,..... 68
" *second Battalion*,..... 61
" *Sheds*,..... 71
" *Tactics*,..... 146
" in Winn's Brigade dissolved,.. 98
" to be formed in Brigades,..... 65
Bank of the State—officers of exempt from militia duty,..... 99
Barnwell—extract from the Act incorporating,..... 166
Batalions,.....4 18
Battery,..... 72
Beaufort—extract from the Act incorporating,..... 166
Beat Companies,.....89 140
" *Officers* how elected,..... 142
Blank Commissions,..... 47
Boats,..... 83
Boundaries of Beats Battalions and Regiments—mode of altering,..... 136
Brigades,..... 84
" report fixing,..... 158
Brigade or Assistant Deputy Inspector General,..... 162
" *or Assistant Deputy-Quarter-Master-General*,..... 162
" *Collector*,..... 66
" *Encampment*,.....62, 65, 87, 88, 117, 118, 146, 149
" *Inspector*,.....4, 20, 46
" *Inspectors*—act concerning repealed,..... 92
" *Majors*,.....92 162
" *Quarter-Master*,..... 90
Brigade of State Troops,..... 79
" *Judge Advocate General*,..... 163

Page.

Brigades—organization of,.....65 83
Brigadier-General,..18, 20, 21, 42, 27, 45, 53, 85, 87, 140, 146
Brigadier-General—how elected,...93 142
Brigadier-General to appoint a pay master to his Brigade,..... 147
" presiding officer of the Board, for the purchase of a parade ground,. 139
" and Staff to attend review of each Reg't. in his Brigade once a year, 145
Buglers,..... 77
Buttons, Military—form of,..... 157
Camden Militia,..... 110
" Town Council of, to enforce patrol duty,..... 164
Camden Rifle and Artillery Companies, to raise a fund by Lottery,..... 77
Captains,.....19 141
" how elected,..... 94
Cavalry,.....5, 19, 44, 52, 60, 62, 84, 145
" to be formed in Brigades,..... 65
" Cols. of,..... 68
" officers, mode of election regulated,.....94 120
" rank of officers,.....45 46
" a squadron formed in the 8th Brigade,..... 127
" *Tactics*,.....62 146
Census..... 53
Chaplain,..... 9
Charleston,..... 33
" *Battalion of Artillery*.....34, 46, 47
" " divested of its privileges, 90
" *Neck*—Liquors not to be sold on, after certain hours, or on the Sabbath,..... 115
" *Neck Company*, divided..... 119
" *Neck*, patrol on,..... 112
" Secretary of,..... 116
City Guard of Charleston, exempt from military duty,..... 72
Cleckley, Capt. company transferred to the 14th Regiment,..... 137
Collector of Fines,.....53, 138 147
Colonel,..... 145
" how elected,.....94 142
Columbia, extract from Act incorporating,..... 165
Commander-in-Chief, ..21, 26, 71, 33, 72. 73, 77, 78
(See Governor.)
Commissary-General of Issues,..... 163
" *of Purchases*,.....71, 91, 163
Commissioners of Cross Roads,...114 115
Companies,.....4 18
" *Light*—what to consist of,..... 144
Constitution of the U. S..... 176
" Amendments,..... 186
" *of South-Carolina*,..... 189
" Amendments,..... 198
Contested Election,.....19 42

Page.

Cornet—how elected,..... 96
Corporals—how appointed,..... 20
Court of Enquiry,..... 27
Court Martial...10, 26, 52, 66, 75, 86, 87, 96, 139
Courts Martial—how ordered,.....86 136
" on Fire Guard,..... 157
Cross vs. Gabeau and Hunt, quoted, (*Note*,) 53
Daufuskie Island, (*see St. Helena Island.*)
Defaulters—may send excuse in writing under oath,..... 147
" from patrol duty, fine of,..... 102
Detachment,..... 4 64
Discipline,.....13, 14, 75
Disobedience of orders,.....52 24
Divisions,.....18 83
" report fixing,..... 158
Division Inspector,..... 11
" Deputy Inspector,..... 162
" Quarter Master,..... 11
" Quarter-Master-General,..... 162
" Staff,..... 140
Draughting for service,..... 31
Drayton, Capt. Jacob,..... 57
Drill, company,..... 145
" Regimental,..... 145
Drummers,..... 77
Edisto Island, Port Royal, and Lady's Island, conjointly authorized to form Beat Companies,..... 155
Edgefield, extract from the Act incorporating,..... 167
Elections,.....19, 53, 54, 141
" Managers of to be sworn, and exempt from toll,..... 98
" of officers,..65, 68, 93, 95, 96, 97, 98
Eligibility of officers,..... 142
Encampment of officers,.....62 117 146
Enrollment,.....21, 32, 45, 66
Ensigns,.....19 141
" how to be elected,..... 94
Equipments,..... 10
Exemption from levy, &c..... 74
Exempts,...2, 9, 27, 43, 53, 64, 73, 149 150
Exercise,..... 88
Expresses,.....22 29
Evolutions,.....62 88
Fairfield Grenadier Company—recruiting limits defined,..... 130
Fatigue Men and Pioneers 32, 77. Dig xxxiii
Federalist Artillery,..... 60
Ferriage—Laws relating to exemption from,.....Dig. lxxv
Field Exercise,..... 13
Field Officers,..... 42
Fifers..... 77
Fines,....7, 10, 24, 25, 26, 29, 31, 32, 38 50, 51, 53, 54, 59, 63, 69, 70, 74, 76, 76 77, 87, 89, 121, 139, 157

Page.

Fines, on General Officers and their Staff—on Field Officers and Officers of Regimental Staff, commissioned company Officers, non-commissioned Officers and Privates,. 148
" for not attending Brigade Encampments,..... 149
" for not appearing on parade properly equipped..... 149
" on Fire Guard,..... 123
" on Patrols,.....100, 102, 114
" on Captains of Patrols,..... 102
" of Patrol on Charleston Neck,.... 113
" Collector of.....53 69
" mode of collecting,..75, 76, 87,.. 121
" how disposed of,.....87 152
Fire Guard Charleston,.....90 122
" Courts Martial on,..... 157
Fire Masters,..... 53
Forfeiture..... 7
Fortifications,.....78 85
Forts and Fortifications,..... ..55 66
Free Negroes,.....32, 49, 54, 55, 77
Geddes Capt John,..... 59
General Orders,..... 161
Georgetown. residence of officers,.... 47
" two Beat Companies of consolidated,..... 125
" (*see Magazine Guard.*)
Governor to fill vacancies,..... 92
" to prepare General Regulations, 92
" to sell arms,..... 111
" authorized to purchase arms,.. 133
" has the exclusive appointment of the officers of the Municipal Guard, 136
" to order reviews whenever he thinks proper,..... 145
" authorized to resist obstructions to the enforcement of the ordinance nullifying certain acts of Congress, 131
Graham vs. Bell, quoted, (*Note*,).... 49
Greenville—extract from act incorporating,..... 168
Gregg, vs. Summers, quoted, (*Note.*) 23
Guard.....33, 77, 90
" *City*. (*see City Guard*)
" *Fire*, (*see Fire Guard.*)
" *Municipal*,..... 107
Hilton Head, (*see St. Helena Island.*)
Hogg vs. Keller, quoted, (*Note.*),.... 100
Horse Guards, (*see mounted Corps.*
Horses to be appraised,..... 46
Hoyt's system..... 68
Hunter vs. Hunter, quoted, (*Note.*).. 23
Impressment of arms and provisions,.. 31
Incompetency,..... 86
Infantry.....5 52
" discipline of,..... 14
Inspector General,..... 92
Insurrection,.....6, 22, 28, 73
Invasion,.....6, 21, 28, 78

Page.

Jackson Guards, name altered to Sumter Guards, ... 135
James Island, Wadmalaw, and John's Island, conjointly authorized to form Beat Companies, ... 155
John's Island (see above.)
Judge Advocate General, ... 164
Kirkpatrick vs. Irby, quoted. *(Note,)* .. 74
Lady's Island, (see Edisto Island.)
Lancaster—extract from the act incorporating, ... 167
Laval, Capt. Jacint, ... 59
Law vs. Nettles, quoted. *(Note,)* 38
Lehre and Rouse vs. Tax Collector, (Note.) 109
Lieutenants, ...19 141
" how elected, ... 94
Lieutenant-Colonels, ...19, 27, 47, 58
" how promoted, ... 94
Light Companies—of what to consist, 144
Lines—value of the land to be assessed, 85
Magazine in Columbia, ... 153
Magazine Guard, enlarged, and subject to the orders of the Governor, 135
" , officers of, appointed exclusively by the Governor..... 136
" members of, may be arrested for disorderly conduct, ... 122
" same as to Georgetown, ... 122
" Captain of, powder receiver, 136
Majors, ...12, 19, 27
" how elected, ...95 142
" *of Cavalry*, ...45 54
" *General*, ...18, 20, 21, 27, 42, 62, 63, n. 84, 87, 140, 146, 149
" how elected, ...93 142
" to appoint a Paymaster for their Divisions, ... 147
Man Servant, ... 23
Marshals, ...7 11
Military Decision, ... 203
" *Stores, (see Arms.)*
" Uniform, ... 25
Militia, ...6, 7, 12, 13, 18, 21, 73
" Infantry, discipline of, ... 14
" of Charleston, ... 48
" Georgetown, ... 48
Moultrieville, act incorporating, ... 165
Mounted Corps authorized to be raised in Charleston, ... 129
Municipal Guard, ... 107
" not to vote at any General Election or City, ... 109
Musicians, ... 77
Musters, ...9 52
Newberry, extract from the act incorporating, ... 169
Notice..... 52
Oath, ...26, 40, 42, 43, 53, 61, 86, 143
" *prescribed by the Constitution, and penalty for not taking*, ... 154

Page

Oath by a defaulter, may be made before any of his company officers,. 154
Officers..... .....13, 39, 86, 86
" to rise by grade in actual service, ... 96
" residence of, ...20, 46, 47, 131
" rise of, ...65 90
" election of, ...65 93
" how commissioned, ... 153
" cashiered or resigning, ... 87
" penalty for not enforcing Militia Laws, ... 87
" not excused from patrol duty... 64
" of Cavalry, ... 88
" Artillery, ... 88
" under the peace establishment,.. 14
Orangeburg, extract from act incorporating, ... 167
Ordinance of Nullification—Governor authorized to resist obstructions to the execution of, by the whole military force of the State if necessary, 131
Organization of Militia, ...3, 18, 42. 140
" of Staff, ... 91 161
Overseer, ... 51
Parade, ... 70
Parade Ground, ... 38, 96, 70
Patrol, ..28, 30, 49, 50, 64, 70, 99, 108, 109
" leader of, ...51. 102. 113
" fines, ...70 138
Patrol on Charleston Neck,.... . 112
Patrol—Act and clauses of Acts, giving to the several incorporated villages and towns in this State, the power to regulate, ...164, 165, 166, 167, 168, 169
Pay, ...5, 6, 21, 22, 74, 77
" of State Troops, ...65 82
Pay-Master, ... 25
" to give bond, ... 148
" to receive fines, ... 147
" form of warrant to collect fines, 76
" how appointed, ... 147
" Brigade how appointed, ... 147
Pay-Master-General, ... 163
Pay of the U. S. Troops..... Dig lxxxiii
Penalties, not recovered in 12 months, barred, ... 147
Penalty for not taking the oath, ...154½
Pendleton District—Military Division, made to conform to the judicial Division of, ... 127
Pendleton, extract from the act incorporating, ... 168
Pioneers, ...54 77
Port Royal Island, (see Edisto Island.)
Porteus vs. Hazel, quoted, *(Note,)*.... 101
Powder Inspector, Charleston..... 34
" *Receiver*, ... 136
President of the U. S.....6, 8, 10
Process, ...23, 56, 74

Page.

Physician and Surgeon-General,..... 163
Quarantine, ... 48
" Laws relating to,.....Dig. lxxvii
Quarter-Master-General,.....9 162
" *of Brigade*, ..9, 11, 162
Rail Road Company—act concerning (*Note.*).....Dig. xxx
Rank of Brigades,..... 84
" Divisions, ...36, 40, 84
" Regiments, ... 84
" Officers, ...4, 35, 37, 46, 60, 81, 89, 141
" Staff,..... 91
" State Troops, ... 82
Rations, (see Pay)
Rebellion,..... 28
Regimental Muster..... 63
" *Staff*,..... 20
Regiments,.....4, 19, 18, 87
" *of Cavalry*, ... 145
" of Cavalry and Artillery formed into Brigades.....65 68
" of Artillery, rank of officers 46
" of Infantry, to consist of two Battalions, ... 141
" 34th and 35th line between defined,..... 119
Removal,.....32, 66, 149
Rendezvous.....20 74
Report, fixing Divisions and Brigades, 158
Residence of Officers,.....20, 46, 47, 131
Resolution relating to Adjutant-General Dig. lxxxii
Returns,.....9 22
" fine for not making,..... 149
Reviews..... 87
Rifle Carbineers,..... 54
Rise of Officers,.....65, 68. 90
Rouse, Capt. Wm..... 57
Rouse vs Tax Collector, (*Note.*)..... 109
Runaway Slaves,..... 30
St. Philip and St. Michael—Militia of regulated, ... 138
" " organized separately, 151
St. James, Santee, company muster ground changed..... 126
St. Helena Island Hilton Head, and Dawfuskie Islands, conjointly to form Beat Companies,..... 155
Sergeants, ...20, 38, 39
Sheriff..... 49 121
" made Collector of fines..... 147
" penalty for not performing his duties, ... 147
Slaves..... 49 55
" trafficking with, ...101 113
" not to carry fire arms,..... 101

Page.

Spartanburgh—extract from the act incorporating, ... 167
" *and Union District*—to be divided into four Regiments,..... 155
Squadrons 144
Staff of Militia,..... 91
State Citadel..... 135
" *Troops*—Brigade of..... 79
" *vs. Bates* quoted, (*Note.*)..... 89
" *vs. Cole*, quoted, (*Note.*) 99, 100, 102, 112
" *vs. Martindale*, quoted, (*Note.*). 100
Substitutes,.....31, 70, 73, 80, 102
Sumter or 20th Regiment divided into two,..... 156
Sumter Guards—name changed to, from Jackson Guards,..... 135
Sumterville—new Beat Company laid off at,..... 126
Sutler,..... 96
Taxes,..... 56
Tax Collector,..... 51
" to furnish a list..... 121
Toll—laws relating to, exemption from Dig. lxxv
Troops,..... 144
Trumpeters,..... 77
Uniform,.....25, 92, 150
" *of Cavalry*,..... 46
" State Troops,..... 82
" time prescribed for officers to procure,..... 154½
" United States Army described,... 169
Union and Spartanburgh Districts to be divided into four Regiments,..... 155
Unlawful assemblage,.....49 103
Vacancies,..... 90
Volunteers,.....73, 132, 133, 150
Volunteer Companies,..... 64 88
" under what circumstances to be disbanded, ... 144
" recruiting limits defined, ... 157
" additional ones allowed,..... 154½
" officers how elected,..... 142
" of Cavalry and Artillery,..... 89
Wadmalaw, (*see James Island.*)
Walterborough—extract from the act incorporating, ... 166
Whipping, abolished in U. S. Army,. 10
Winnsborough Light Infantry Company—recruiting limits enlarged,... 120
" extract from the act incorporating, 169
Wounded, ...4 22
York District to be divided into two Regiments. 155
Yorkville—extract from the act incorporating, 166

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